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Free Minds and Free Markets

April 1993/Vol. 24, No. 11

20

46

48

56

59

FEATURES

20 ■ The Truth Hurts
Jonathan Rauch
Touchy-feely Torquemadas.

28 ■ Presidential Counsel
Richard J. Dennis, Howard Husock, Julie Stewart, Lynn L. Schloesser, Joel Kotkin
A new beginning for Bill.

36 ■ Paying for Pollution
Jonathan Marshall
Can green taxes stem government's red ink?

42 ■ Picking on Scabs
Michael McMenamin
Jack London calls for a ban on strike replacements.

EDITORIALS

4 ■ Equality Time
Virginia I. Postrel
What's "fair"?

6 ■ Try, Try Again
Jacob Sullum
Double jeopardy in L.A.

7 ■ Crash Dummies
Rick Henderson
G.M. and NBC collide.

COLUMNS

46 ■ The Law: Death By Prescription
Thomas Szasz
The suicide solution.

48 ■ Washington: Farm Fossil
Karl Zinsmeister
USDA-approved pork.

52 ■ FDA Watch: To Tell the Truth
Durk Pearson and Sandy Shaw
Censorship kills.

54 ■ Magazines: Boom Times
Martin Morse Wooster
The voice of a middle-aged generation.

56 ■ Movies: That's Life
Charles Oliver
Do Amy Fisher and Malcolm X have anything in common?

66 ■ Selected Skirmishes: Reds
Thomas W. Hazlett
Take her out of the ball game.

DEPARTMENTS

8 ■ Letters
Medicare, worker's comp, Camille Paglia, etc.

14 ■ Trends
Deadbeat dads, sodomy, etc.

18 ■ Brickbats
Taking Tokyo by storm, etc.

THE BOOK CASE

58 ■ Bad News Bearers
David A. Lips
Ecoscam: The False Prophets of Ecological Apocalypse, by Ronald Bailey

59 ■ Montezuma's Revenge
Raoul Lowery Contreras
Latinos: A Biography of the People, by Earl Shorris

Days of Obligation: An Argument With My Mexican Father, by Richard Rodriguez

62 ■ The Courage of a "Cow Demon"
Steven W. Mosher
A Single Tear: A Family's Persecution, Love, and Endurance in Communist China, by Wu Ningkun

64 ■ Brief Review
Money Mischief: Episodes in Monetary History, by Milton Friedman

Cover photograph by Ron Derhacopian

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EQUALITY TIME

VIRGINIA I. POSTREL

Not so many years ago, I thought we'd heard the last from real live policy makers who wanted to redistribute income just to make the affluent worse off. From about 1984 on, the levelers of the left kept quiet—or they cloaked their desire to pull down the successful in a rhetoric of compassion for the poor.

I thought they'd disappeared, that their arguments had been discredited, that they'd figured out that Americans don't hate the rich. I was wrong.

The impulse to punish the rich never went away. The old leftists just hid out among the "New Democrats," camouflaging themselves amid the talk of welfare reform, middle-class tax cuts, and investing in America. And now they're back to their old tricks—bemoaning "growing inequality" and berating people who make $100,000 a year.

Bill Clinton's long-awaited economic plan doesn't just break his promise of a middle-class tax cut, it jettisons his solemn pledge to bring Americans together. Faced with an economy he doesn't understand and a budget deficit he can't master without unpopular cuts in entitlements, the president has declared war on the affluent. David Duke blames blacks for America's troubles. Bill Clinton blames "the rich."

He should know better. His advisers do know better. A mere six days before the State of the Union address, Secretary of Labor Robert Reich told CNN's Larry King that growing inequality is "not just the recession....It's not just the tax structure." He then said we should raise taxes on families making $200,000 a year, "the rich, who have had a tremendous ride over the 1980s....they're the only ones whose incomes went up and their taxes went down."

Such is the logic of the Clinton administration. Its devotion to the leftist gospel of progressive taxation ignores both the evidence that current tax rates maximize revenue from high earners and, even more blatantly, the evidence Reich himself likes to cite about what is really happening to incomes in America.

Consider the income data. If we ignore the considerable effects of income mobility—the "poor" in 1980 aren't the same people as the "poor" in 1985 or 1990, and some may even be among the "rich"—there is some truth to the statement that the "rich are getting richer." But what is happening is a lot more precise than that demagogic proclamation. And it didn't start with Reagan's tax cuts.

From at least 1963 on, if you divide full-time working men ages 25 to 54 by income, you find that real hourly wages for those in the bottom half of incomes are slowly creeping downward and those in the top half are slowly creeping upward. The downward drift at the bottom accelerates in the 1970s.

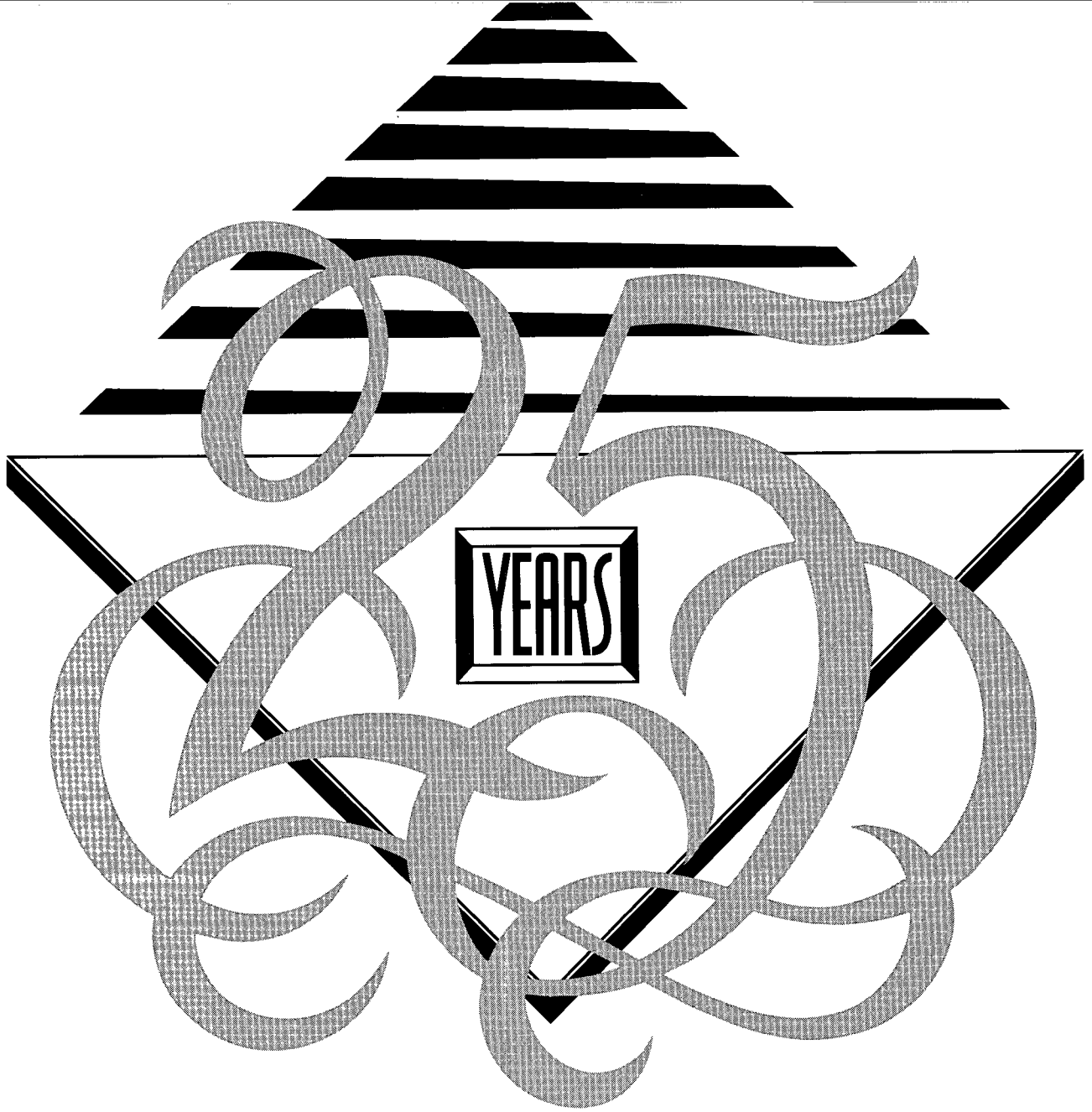
"The rich" aren't getting richer. The educated and skilled are. That's the trend behind the trend. It shows up in the data once the early baby boomers start to settle down: The payoff to higher education began in 1978, just when my 12th-grade psychology teacher was showing us studies proving that college doesn't pay financially.

Whether the trend is good news or bad news depends on how you feel about the market spontaneously rewarding brains over brawn and whether you value income equality for its own sake. Economists Kevin M. Murphy of the University of Chicago and Finis Welch of Texas A&M note in a paper presented at the American Economic Association meetings in January, "Four years ago the *Wall Street Journal* splashed the good news across its front page that college pays more than ever before—the evidence was that wages of college graduates were high and rising relative to wages of high school graduates; four weeks ago *Newsweek* bemoaned increasing inequality, pointing to the low and falling wages of high school graduates relative to college graduates."

During the 1980s, the biggest factor making household incomes unequal was the feminist revolution. In 1963, high-income men had low-income wives, if their wives worked at all; a stay-at-home wife (or low-paid working dilettante) was a rich man's perquisite. Not until about 1979 did the wives of men in the top fourth of the income distribution make as much as wives of men in the bottom fourth. But by 1990, they averaged 30 percent more.

Unleashing educated women on the work force meant the rich got richer. That was terribly unfair to less educated men, especially those who got competed out of jobs. If Clinton is serious about undoing the unfairness of the '80s, he ought to start by redistributing these valuable female assets more equitably.

We already levy a special tax—the so-called marriage penalty—on working wives who earn as much as their husbands. It deters some marriages but few working women. So more drastic action is called for. Maybe educated women could pay back their student loans by marrying uneducated men or, better yet, staying out of the work force altogether. We could pay smart women



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not to work, just as we pay farmers not to grow crops.

Such are the absurdities of punishing productive people for their productivity. And that is, at bottom, what Clintonomics is all about. People who have invested in themselves, in their ability to earn a living, will have more of their incomes taken away so politicians can redistribute it to people who have invested in lobbyists.

The Clintonites like to say we have an "investment deficit" because the federal government doesn't spend enough of GNP on roads, bridges, mass transit, and education. That's a dubious claim—looking at real dollars rather than percentages, federal outlays for non-defense capital investment went up by 50 percent during the '80s. But even if we grant the administration its "investment deficit," the problem isn't that the federal government lacks money. It's that most of the federal budget is consumed by interest payments and open-ended entitlements that transfer money from productive people to unproductive people.

It is in fact true that middle-class Americans got hit with whopping tax increases during the '80s, despite the Reagan tax cuts. What nobody wants to remind us of, however, is what exactly those tax hikes did: bail out Social Security, a program that takes money from those who work and gives it to those who don't.

Social Security *excluding Medicare* consumes 23 percent of the federal budget, more even than the defense budget. And unlike defense, Social Security is growing; it will require further tax increases to stay solvent. As long as Bill Clinton won't cut Social Security benefits across the board—by holding down cost-of-living adjustments or extending the retirement age for future beneficiaries—he is implicated in both past and future tax hikes.

The 1981 tax cuts in no way made the middle class worse off. To act as though they did is to betray either ignorance or bad faith. And neither Clinton nor his economic team is ignorant.

TRY, TRY AGAIN

JACOB SULLUM

Nine months after the riots sparked by the Rodney King trial, 333 prospective jurors arrived at the federal courthouse in Los Angeles, where they were confronted by a 53-page questionnaire. Among other things, it asked:

- What was your personal reaction to the verdicts in the state court trial?
- What do you feel caused the civil unrest and riots that occurred in Los Angeles in April and May of 1992?
- Do you fear the prospect of social unrest following a verdict in this case?
- If you serve as a juror in this case, how would you anticipate being treated by your family, friends and acquaintances if the defendants are acquitted?

To ask these questions is to answer them. It's clear what the federal trial of the four police officers who beat Rodney King is all about: correcting a terrible error. When it acquitted the cops on all but one charge, the Simi Valley jury got it wrong. The job of the federal jury is to get it right.

Preventing chaos in L.A. is one goal of getting it right. Last May, it seemed a federal prosecution would help restore calm. But now it's just asking for more trouble. Instead of letting the matter drop, the feds have created a new set of dangerous expectations.

Another aim of the second trial is "restoring faith in the criminal justice system." If you've read the Constitution or watched a little *Perry Mason*, this may sound fishy to you. The Fifth Amendment, after all, says "nor shall any person be subject for the same offense to be twice put in jeopardy of life or limb."

Supporters of the federal prosecution—that is, all decent, right-thinking people—argue that it does not constitute double jeopardy because the offense is not the same. In the first trial, the police officers were charged with assault. In the second trial, they are charged with willfully violating King's constitutional rights to be free from unreasonable force, to be safe while in custody, and not to be punished without a trial.

Very clever. But the underlying acts are the same. If the police officers did not assault King—if they did not knowingly use excessive force in restraining him—they cannot be guilty of the civil-rights violations. To convict, the federal jury has to reject the findings of the state jury. That is the whole point of this exercise.

In rare cases, federal prosecution after acquittal in a state trial may be appropriate. Congress intended the law under which the L.A. cops were charged as a safeguard against corrupt law enforcement (especially in the Old South). If local authorities rig a trial to produce an acquittal, the feds can and should step in. Double jeopardy arguably doesn't apply to such cases because a real trial never took place.

But no one has alleged that corrupt officials obstructed justice in the Rodney King case. It was the result, not the process, that troubled those who clamored for a second trial. And Roger Parloff's careful analysis in the June 1992 *American Lawyer* shows that the verdicts, right or wrong, were reasonable given the evidence, and certainly not bizarre enough to indicate that the jury acted in bad faith.

In another sense, of course, the trial *was* rigged. The defendants were presumed innocent, and the prosecution had to prove its case beyond a reasonable doubt. In the abstract, Americans are proud of a legal system that protects the accused against the overwhelming power of the state. They will readily subscribe to Voltaire's principle: "It is better to risk saving a guilty man than to condemn an innocent one." As long as it doesn't mean letting the bad guys off the hook.

CRASH DUMMIES

RICK HENDERSON

When organizations founded by Ralph Nader start defending huge corporations that deceive their customers, watch out. On the surface, the dispute over exploding gas tanks in General Motors pickups and dishonest reporting on *Dateline NBC* may look like two mega-companies scrambling to divert attention from their shoddy products.

But "consumer advocates" and media bashers are both pushing a broader agenda: tougher government control over automakers and the press, respectively. If this controversy shows anything, however, it's that we shouldn't expect government to keep trucks safe or journalism honest.

Safety advocates and plaintiffs' attorneys claim that 1973 to 1987 G.M. full-size pickup trucks are "rolling firebombs" because their gas tanks are mounted between the frame and the exterior panels. The Nader-founded Center for Auto Safety wants the feds to force G.M. to recall these trucks, which could cost the company some $500 million.

In a *Wall Street Journal* column, litigation analyst Walter Olson compared the fatal-crash records of full-size G.M. pickups with those of other vehicles. He found that G.M. trucks were about 10-percent safer than the average passenger car, 50-percent safer than compact pickups, and almost identical in safety to their closest competitors, full-size Ford pickups.

In February, G.M. lost a $105-million jury verdict in a case involving a fatal side crash. Yet the Georgia 17-year-old whose truck caught fire was hit by a drunk driving nearly 70 miles per hour. G.M. attorneys argued (to no avail) that the teenager probably died before any fire started.

No vehicle is perfectly safe, especially not in a collision like that one. In theory, any vehicle could be made safer—at a cost. But consumer advocates rarely recognize the trade-offs drivers make between safety, cost, performance, and convenience. Moreover, some of the regulations they've backed actually make cars less safe. For instance, raising Corporate Average Fuel Economy standards forces automakers to sell lighter vehicles that are less likely to survive a crash. And some engineers worry that mandated automatic seat belts, which don't fit as snugly as the lap/shoulder belts you buckle yourself, may result in more-severe injuries. It seems the only cars the safety nannies would permit are Sherman tanks that get 45 miles per gallon.

NBC might as well have been the Nader Broadcasting Corporation on November 17. For its *Dateline NBC* segment on G.M. pickups, the network hired a trial lawyers' advocacy group to crash the trucks. Testers overfilled one truck's gas tank, used a nonstandard gas cap that popped off on impact, and strapped remote-controlled model-rocket engines to the truck's frame to guarantee a fire.

How did we learn this? Old-fashioned investigative reporting—the free press in action. Pete Pesterre, editor of *Popular Hot Rodding*, got a tip from a reader that the tests were rigged. Pesterre tracked down the firefighters who witnessed the tests, contacted G.M. attorneys, and helped the company piece together the deception NBC had foisted upon its viewers.

NBC had to eat a plateful of crow when it publicly admitted it rigged the crashes. But some critics say NBC's confession isn't sufficient. *The Washington Times* editorial page called for an unspecified investigation of NBC News, perhaps by congressional inquisitor Rep. John Dingell (D-Mich.). Such a witch hunt would only invigorate media bashers on the right and the left who want to stifle the press. Advocates of the nanny state should recognize that hyperactive regulation guarantees neither safety nor honesty, only mischief.

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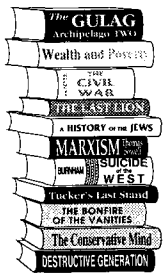

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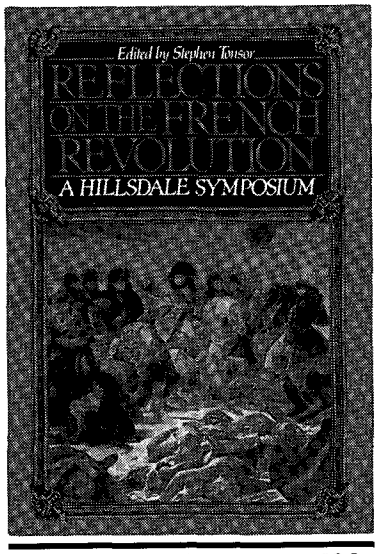

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LETTERS

More on Medicare

Steven Hayward and Erik Peterson provided an excellent depiction of the history surrounding the origin of the Medicare program ("The Medicare Monster," Jan.). However, I must point out an error. In their examination of Medicare's attempts at cost containment, they disclose the commissioning of a study of "relative values" for medical procedures on which to base new reimbursement rates. That announcement is certainly out of date, since that study was completed years ago, and the Resource-Based Relative-Value Scale has already been implemented for physicians involved with the Medicare program.

In my book, *What Has Government Done To Our Health Care?*, I discuss at length the RBRVS and the economic effects it will have on the medical profession and the general public. The RBRVS is essentially a comparable-worth scheme for physicians, redistributing the wealth among general practitioners and specialists.

It will result in a government-skewed allocation of physicians as medical students scramble into specialties with the best reimbursement rates. In some cases, physicians have already dropped Medicare patients from their practices because reimbursement rates have not covered costs. Others are seeking early retirement.

Terree P. Wasley
Frederick, MD

I WOULD LIKE TO COMMEND Steven Hayward and Eric Peterson for their article. I was especially fascinated by the chronicle of former Social Security Chief Actuary Robert Myers's skirmish with House Ways and Means Committee Chairman Wilbur Mills over the original Medicare projections and the documentation of Myers's persistent use of optimistic assumptions despite strong admonitions by Mills.

This account is remarkable to me because, in all my years in the actuarial profession, I have never encountered an instance, save for this one, of a politician counseling an actuary to be fiscally more cautious and prudent. Even more remarkably, Mills had done the analysis to back up his assertions! It is tragic for us all that Mills didn't insist on using realistic projections.

The article also discussed the Public Trustees' attacks on me for, as the authors put it, "blowing big holes in the projections." What the authors didn't know is that Robert Myers is still around, and he has not been chastened by his clash with Mills, even though experience has proven that Mills's worries were justified.

Myers has joined the Public Trustees in their attacks on me for not endorsing their optimistic projections. In fact, he is my most severe critic, comparing the views expressed in my statutorily required actuarial opinion with shouting "fire" in a crowded theater. Before this article appeared, I didn't realize my dispute with Myers put me in the company of a man as distinguished as Chairman Mills.

Congratulations on a timely article that was both entertaining and illuminating.

Roland E. King
Chief Actuary
Health Care Financing Administration
Ellicott City, MD

Working It Out

The article on worker's compensation ("No Pain, No Gain?," Jan.) was generally well balanced and on point. As an attorney whose practice is largely devoted to the representation of worker's-compensation claimants, I too recognize that there are serious flaws in the system. Unfortunately, the article seems to imply that the problems in the system have been largely created by greedy claimants' lawyers and their fraudulent clients.

"Two thumbs up."

At the seminar:
—David Nickoll, Williams College, and David Yagobian, Antioch College

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I cannot speak for the California experience, but I know that here in Pennsylvania worker's-compensation claims are vigorously defended. Indeed, the claimants' bar tries to ferret out fraudulent claims. Part of the blame should be laid upon the insurance industry, which has become lazy, bloated, and bureaucratic.

I served for five years as in-house worker's-compensation counsel to a major insurance carrier in Pittsburgh and saw firsthand the results of employing improperly trained, underpaid, overworked claims adjusters whose main focus was on fulfilling paper-keeping requirements rather than investigating claims. I saw many dubious claims paid while meritorious claims were defended to the death, for no valid reason. As for lawyers' fees, I believe that the bulk of the problem is with defense fees. Defense lawyers bill at an hourly rate and have a built-in incentive to run up defense costs.

In the long run, I do not think any reform will be successful unless we totally scrap the system and go to a completely voluntary system wherein workers would be free to choose their own disability insurance. Knowing what I know about insurance carriers, I am sure that there would still be plenty of litigation of those claims to keep attorneys busy.

Jack L. Cherkin
Pittsburgh, PA

WHILE THE "NO FAULT" worker's-comp system may preclude tort claims against the *employer*, the plaintiffs' personal-injury bar, aided by their brethren in the state legislatures and on the state court benches, have found a new path to generous trial juries by suing those upstream from the employer, e.g., the suppliers, manufacturers, and designers of the equipment the employee may have been using when the accident occurred. The cost of this litigation is borne by all of us in higher prices paid for goods and services.

James McCafferty
Bellingham, WA

AS A DOCTOR of chiropractic, I am more than slightly annoyed by Charles Oliver's singling out of an Oregon chiropractor as the example of an abusive provider in the case of worker's-compensation fraud. I do not doubt that the chiropractor in question is an unscrupulous character, but I find it hard to believe that, in a country where M.D.s outnumber D.C.s more than 10 to 1, the only example Oliver could find is the one above.

In my practice, I see scores of patients who have had unnecessary spinal surgery, the cost of each falling in the six-digit zone. It would be impossible for the most crooked of chiropractors to make a dent in the cost of one surgical procedure. Worker's compensation happily pays for all this surgery.

I do not say any of this in defense of the chiropractor previously mentioned; he broke the law and should pay for it. But I object to the implied slander against my entire profession.

Charles A. Krieger
Astoria, NY

Praising Paglia

Congratulations to Cathy Young for a fine appraisal of Camille Paglia's talent, insights, and shortcomings ("Paglia's Personae," Jan.). Paglia is an exciting, dauntless writer and thinker. But she seems to write before she thinks, and to will before she writes. I don't think she even knows where she is going sometimes. This means that she is atavistic, as well as a brilliantly discursive communicator. Indeed, not since the high, hot-volcano days of that self-creating androgyne, Alice "Ayn Rand" Rosenbaum, has a writer-warrior-thinker struck so many of my nerves at once.

As Young points out, Paglia is a performer, but how else to grab attention in a time when rightist religiosity, insipid sentimentality, and leftist anti-individualism passes for culture? If some of Paglia's "wacky" ways mean that she will not be taken all that seriously in our time—so what? Why should she give a hoot?

Paglia's true time awaits her a proverbial thousand years from now, and she knows it. The future, far more than history, is passionate, pagan Paglia's source of light. May she remain incandescent.

Cliff Vining
Santa Ana, CA

CATHY YOUNG'S EXCELLENT review of Camille Paglia hits upon the most intriguing and puzzling thing about her: the "thicket of contradictions" where we find Paglia apparently bouncing back and forth between "neocon" rationalistic moral sentiments and exhortations to libertine, sado-masochistic practices. Young does not resolve these contradictions and perhaps thinks that they cannot be resolved. Does Paglia have a theory behind such apparent confusion? Yes, she does, and it is a tribute to her depth and, I hope, ultimate importance as a thinker.

Sexual Personae is actually entirely about androgyny, otherwise the Holy Grail of feminism. But Paglia cautions that androgyny as we find it historically is mostly immoral, dangerous, destructive, self-absorbed, and unsympathetic. From anyone else, that might seem like a condemnation. But then that is what is different about Camille: She likes it. It is very creative and produces great art. At the same time it is necessarily not for everyone, not because it shouldn't be allowed, but because most people realize they would be crazy to try it.

Paglia says that she endorses "aestheticism and decadence," but her aestheticism is not an amoral aestheticism: She is ready, willing, and able to make moral judgments that are completely independent of her aesthetic judgments, and the reader is often whipped-sawed between what might seem like incompatibly moralistic and aesthetistic passages. That is what is great about her: Art can be troubling and even hideous, but good as art, even while we are in full possession of our moral judgment.

This gives us, indeed, a tragic sense of life. Great art has a cost, and libertarians

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LETTERS

especially should be aware of the trade-offs involved. Camille Paglia realizes that there are costs—costs to art, costs for career women, costs for just about every good thing in life—but she is willing to pay them without complaint and without the "victimology" of so many people who want goods in a utopia without costs and without responsibility.

Kelley L. Ross
Van Nuys, CA

Fossil Facts

The facts as presented in "The Fossil Gestapo" (Jan.) vary considerably from those reported in *The Los Angeles Times*. The *Times* reported that rancher Maurice Williams leased the land on which the fossil was found from a tribal organization. But Jonathan Karl says the fossil was found on property that Williams had bought "from a white homesteader in 1969."

According to the *Times*, Cheyenne River Sioux officials maintain that Williams sold resources which were not his to sell. It was no different than if he had sold mining rights for gold, uranium, or coal.

The federal government, in turn, may have an ownership interest in the fossils, depending upon who has title to extractive resources found on this reservation. On all Indian lands, ownership of these resources—whether petroleum, uranium, fossils, or antiquities—is an ongoing and unsettled problem.

Many people do not own the mineral rights to their land, and sometimes, as in California's Owens Valley, not even the water rights. If the federal government asserts ownership of fossils and antiquities on Amerindian reservations, this does not mean that "Indian property owners on reservations have no property rights."

At any rate, currently many Cheyenne River Sioux receive oil royalties from longtime leases approved by the U.S. government. Oversight and ownership are not the same thing. In this case, the federal government certainly has the right and duty to oversee resource transactions.

Mr. Karl, in his zealous advocacy of the Black Hills Institute's purported property rights, has ignored the property rights of the Sioux nation and the American nation.

W. Snow Hume
Fullerton, CA

Mr. Karl replies: Mr. Hume treats the discovery and excavation of a priceless *T. rex* fossil as a legalistic matter of the federal government's "ownership interests." The central point is this: If the Black Hills Institute did not discover and spend tens of thousands of dollars excavating the *T. rex*, it would have been destroyed eventually by the wind and rain of the South Dakota prairie. The "property rights of the Sioux nation and the American nation" would not be at issue, but a scientific treasure would have been lost forever. That is what happens when a nation considers its property rights more important than those of its individual citizens.

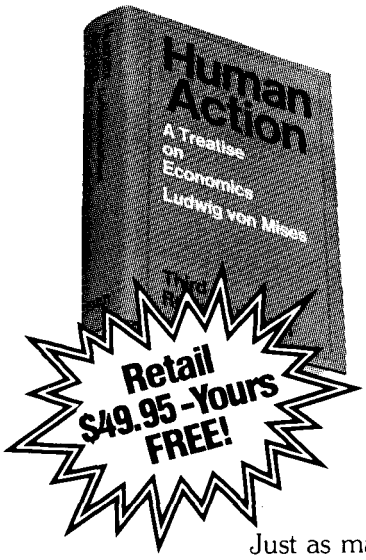
Maurice Williams did not buy the disputed land in the way I reported, nor did he lease it as Mr. Hume says. Rather, he became owner of the land after exchanging it with the tribe for property he had purchased from a white rancher. But while Mr. Hume dwells on this distinction, a scientific marvel remains locked up in government crates.

Cultivating Freedom

Environmentally concerned taxpayers should turn eager eyes and ears to the Sand County Foundation's independent and practical thinking (Trends, Jan.).

The foundation's practice of letting previously cultivated land return to its natural state without conservation assistance from government stands in refreshing contrast to farmers who receive, in the name of conservation, federal money to let parcels of potential farmland go uncultivated. To compensate for lost crop production, some of these farmers overplant the land that they do cultivate. The results? Soil exhaustion and erosion problems. And who pays to fix these problems that government helped create? You have one guess.

Stanley Flynn
Rockville, MD



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Really Collecting

Deadbeat dads have been outrunning state officials with ease for years. But now fathers on the lam (over 90 percent of the parents delinquent on child-support payments are men) are finding for-profit collection agencies hot on their heels.

Private child-support collection companies have popped up in at least 21 states in recent years, Charles Drake, a collection-agency consultant, told *The New York Times*. Bill collectors such as James Jones, founder of Child Support Services in Norfolk, Virginia, are discovering that the states' dismal record for collecting child support has created a market for private collectors. In 1990, delinquent payments totaled $23.8 billion nationwide, of which state agencies had managed to collect only about 20 percent.

Jones's service, like most of the private child-support collection companies, has two important advantages over state agencies: His company will track down a delinquent dad regardless of where he moves or how often, while state collectors drop a case once the offending parent moves to another jurisdiction. And Child Support Services doesn't handle cases for families on welfare, which states tend to concentrate on.

Jones has been able to locate about 85 percent of the missing parents he has sought, reports *Inc.* magazine, and he receives regular payments from 35 percent to 40 percent of them: about $200 each in current monthly child support and $100 each toward arrears.

Like most private agencies, Jones requires a small application fee, which he sometimes waives, and takes 25 percent of the money collected. Compared to the cost of the private eyes and lawyers many women hire to track down their ex-husbands—usually with little success—Jones's price is cheap. His first 30-second local TV commercial brought in 9,000 calls from potential clients.

The private child-support collectors face little opposition from their competition in state bureaucracies. "Personally, I see it as the mother's choice," Ron Harris of the Child Support Enforcement office in Virginia Beach, told *Inc.* "There's certainly enough business here for all of us."

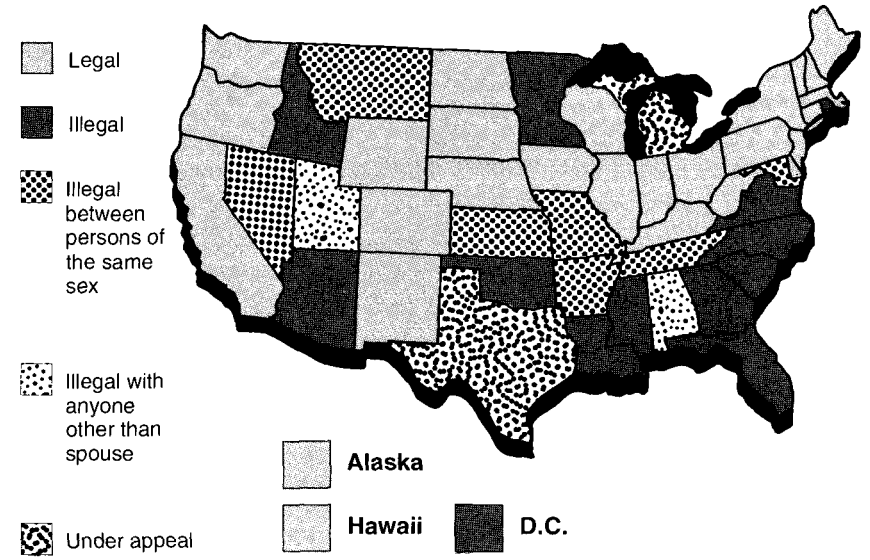
—Elizabeth Larson

Consenting Adults

Many gay activists are backing a boycott of Colorado because voters in that state approved a constitutional amendment last November denying homosexuals status as a protected minority. But at least Colorado allows gays to legally have sexual relationships with one another; that's something that almost half of all states don't allow. Currently, sodomy is illegal in 23 states and the District of Columbia. In many states anyone—gay or straight—who practices oral or anal sex has committed a felony.

Since the 1986 U.S. Supreme Court decision upholding Georgia's anti-sodomy law, gay activists and civil libertarians have worked to have such laws overturned at the state level. Many states' constitutions have broader and more explicit protection of privacy than the U.S. Constitution. The results have been mixed. Last year, the Kentucky Supreme Court became the first in the nation to throw out an anti-sodomy law on the grounds that it violated the state constitution. Lower courts in Texas and Michigan have also declared anti-sodomy laws unconstitutional, but those decisions are under appeal. The only other challenge to reach a state supreme court occurred in Maryland, where the court threw out that portion of the law applying to heterosexuals but denied homosexual sodomy any protection.

THE LEGAL STATUS OF SODOMY



Source: National Gay/Lesbian Task Force

The Peat Repeat

Rep. Jimmy Hayes (D-La.) will soon reintroduce a bill that could clear up one of the murkiest problems facing property owners: What is a wetland?

The federal government can now consider property "wetlands" if it is under water for as few as seven consecutive days a year. Environmental groups admit that most of the private property east of the Mississippi River meets at least one of the three wetlands tests. (See "The Swamp Thing," April 1991.)

Currently, four federal agencies—the Soil Conservation Service, the U.S. Army Corps of Engineers, the Environmental Protection Agency, and the Fish and Wildlife Service—can deny private property owners permission to alter wetlands. Regulators protect irrigation ditches on farm land as aggressively as they guard sensitive habitat for threatened waterfowl.

Former Vice President Dan Quayle had attempted to narrow this definition, excluding farm land and other property that serves no wetland functions. But he was stifled by then-EPA Administrator William Reilly, who kept the broad definition.

Here is a "wetland."

Hayes hopes to change that. This session he will reintroduce, with a few minor changes, the Comprehensive Wetlands Conservation and Management Act. This bill will make the Army Corps the nation's sole federal wetlands regulators.

The bill sets priorities for regulators by dividing "wetlands" into three categories. Type A wetlands have "critical" ecological value; the owners of Type A wetlands won't be able to alter them in any way. Hayes recognizes that such restrictions on property ownership constitute a "taking" under the Fifth Amendment of the Constitution. Under the Hayes bill, the government must either purchase Type A wetlands at fair market value or the owner may keep the land and submit to Army Corps regulations.

Type B wetlands have some environmental value but can be altered if the owner gets a permit from the Army Corps. And Type C wetlands include all previously tilled farm land; any roads, dikes, levees, or other flood-control structures; and all stock ponds or irrigation ditches. Such wetlands will not be regulated by the federal government.

When Hayes introduced a similar version of the bill in the 102nd Congress, he had 176 cosponsors. That bill, H.R. 1330, was enthusiastically embraced by farming and property-rights groups. Spokesman Steve Kearney says that Hayes will introduce the current version probably this spring.

—Rick Henderson

Gnat's Wrong

The Building Industry Association of California has filed suit against the U.S. Fish and Wildlife Service over the proposed listing of the coastal California gnatcatcher as an endangered species. Saying that Fish and Wildlife has illegally prevented comment by the public on the listing process, the BIA has demanded that the listing be dismissed.

One of the key issues in the suit is the data, or lack of it, to support Fish and Wildlife's claim that the gnatcatchers of Southern California are a different subspecies from the ones in Baja California, Mexico. Given that there are 3 million of the birds in Baja, this finding is crucial to the debate. But the biologist who made that finding refuses to release his data to the public or even, claims the lawsuit, to Fish and Wildlife.

By law, Fish and Wildlife is required to make such information public during the listing process for comment and criticism. "This is very likely important information," says BIA Vice President John Hunter. "We believe that if it supported the listing, the service would have shared it with us freely, and the service's refusal to make it public as required by law unfortunately left us little choice but to sue."

—Charles Oliver

Hits and Myths

Over the last 50 years, no American has ever used a legally owned automatic rifle in a violent crime. And the use of illegal automatic rifles by violent criminals is close to nonexistent.

TV shows such as *Miami Vice* have created a myth that America's streets are teaming with criminals carrying military hardware. Gun-control advocates have exploited this myth, calling for bans on semi-automatic "assault weapons," which are also rarely used in crimes. (Unlike machine guns, semi-automatic guns fire one shot per trigger pull.)

Economist Morgan O. Reynolds unmasks this myth and 15 others in "Myths About Gun Control," a survey of the scientific literature about gun use released by the National Center for Policy Analysis. Reynolds also refutes the belief that guns are of little help in defending against criminals. Americans use guns for self-protection about 1 million times a year, simply brandishing the weapon or firing a warning shot in 98 percent of the cases. A survey of convicted felons found that they are more worried about armed victims than about the police.

That same survey found that a majority of prisoners had owned a handgun prior to their incarceration, but fewer than one in six of these guns had been purchased from a retail dealer. Three-fourths of the felons said they would have no trouble obtaining a weapon after their release, despite legal prohibitions.

Moreover, the weapons they obtain aren't likely to be the cheap "Saturday night specials" targeted by gun-control lobbyists. Inexpensive handguns are used in only 1 percent to 3 percent of all violent crimes.

—Charles Oliver

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BALANCE SHEET

Assets

Barrier Grief. The Zoë Baird fiasco makes modest immigration reforms likely. INS counsel Paul Virtue says the feds may need to issue more green cards; *Legal Times* reports the Senate may consider repealing sanctions for employers who hire undocumented aliens.

High Time. Italy decriminalizes most drug use, abolishing prison sentences for possession of up to three "average daily doses."

Gender Gap. Maryland Insurance Commissioner John Donaho says women shouldn't pay less for insurance, even though they live longer and have fewer accidents than men. But state Circuit Judge Robert Hammerman overrules Donaho, saying sound business practices trump the state's equal rights amendment.

Navel Maneuvers. The Fruit Police suffer another setback. (See Balance Sheet, Feb.) U.S. District Judge Gerhard Gesell lets the Department of Agriculture suspend the California-Arizona Navel Orange Marketing Orders. For 56 years, these quotas let big growers like Sunkist inflate their prices by limiting orange supplies. Consumer Alert predicts an open market in oranges will save shoppers $300 million this year.

Liabilities

VAT's Up, Doc? The AFL-CIO, which has always opposed consumption taxes as regressive, backs a value-added tax to pay for health care. It hopes a VAT (and medical price controls) will keep Bill Clinton from taxing employer-provided health insurance. (See "Consuming Debate," Dec.) Soviet-style medical care *and* higher taxes. Some deal, huh?

Drug War. Bristol Myers and Squibb form a partnership to develop and market Taxol, the anti-cancer marvel derived from yew trees. Taxol isn't cheap: The partnership spent $32 million jumping through FDA hoops; treatment will cost the average patient $5,000 a year. Rep. Ron Wyden (D-Ore.) and his Naderite buddies call that price gouging. They want tough price controls on Taxol and other new drugs. Better dump your pharmaceutical stocks.

Tank-Top Cops. D.C.'s finest at work: National Public Radio reports 20 inauguration-related arrests in Washington on January 20. A Connecticut woman was nailed for carrying a small-caliber handgun in her purse. The other 19 criminals? Illegal souvenir vendors.

Death Rays. The newest health-related superstition: Pocket telephones cause cancer. On *Larry King Live*, Florida widower David Reynard announces he's suing NEC; he claims microwaves from his wife's cellular phone gave her a brain tumor. Cellular stocks plummet. Grow up, people: An electric shaver or a hair dryer causes dozens of times more electromagnetic radiation than a pocket phone. Why not sue Remington's Victor Kiam?

—Rick Henderson

Fouled Out?

Was Tamara Clark robbed of a seat in the Nevada state Senate by corrupt or incompetent election officials last November? A grand jury may soon decide.

Clark, the Libertarian Party candidate for the second-district seat, expected to win her race against the incumbent Democrat, Majority Whip Ray Shaffer. (There was no Republican in the race.) Three independent polls just before the election gave her a 60 percent to 40 percent lead, and election-day exit polls conducted by local media showed her ahead by that margin.

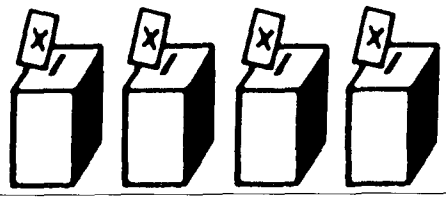
Then came the absentee ballots. Many absentee ballots. About 6,000 of the 30,000 votes cast were absentee ballots. That was a lot more than had ever been cast in the district before. Shaffer won with 56 percent of the vote.

But certain things seemed curious. The registrar of voters had told checkers to go home at 1:00 a.m. At 3:00 a.m. a box of "just discovered" absentee ballots arrived.

As the *Las Vegas Review-Journal* investigated the story, it found lots of irregularities. Several hundred people who were recorded as having registered and voted said that they didn't vote. Many of them said they weren't even legally entitled to vote for various reasons. Many other Las Vegans said they showed up at polls to vote but were turned away because the records showed they had already voted absentee.

Clark filed an official protest, demanding that her opponent not be seated and that a new election be ordered, but the state Senate turned down her request. Clark plans to challenge that decision in court. In the meantime, the Senate has asked for a grand jury to investigate the electoral system in Clark County to determine if Clark was robbed.

—Charles Oliver



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Tired Libertarianism?

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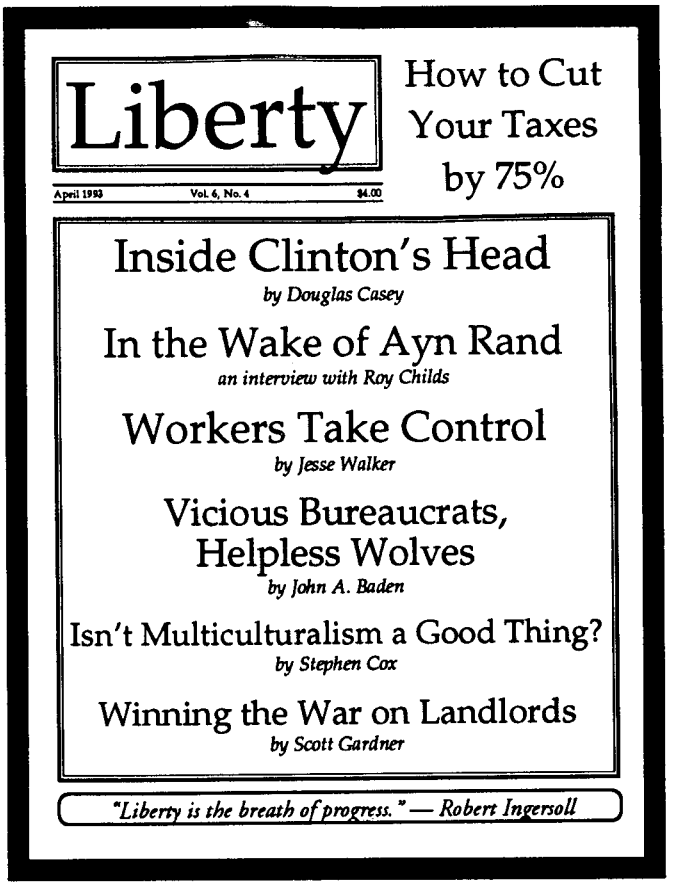
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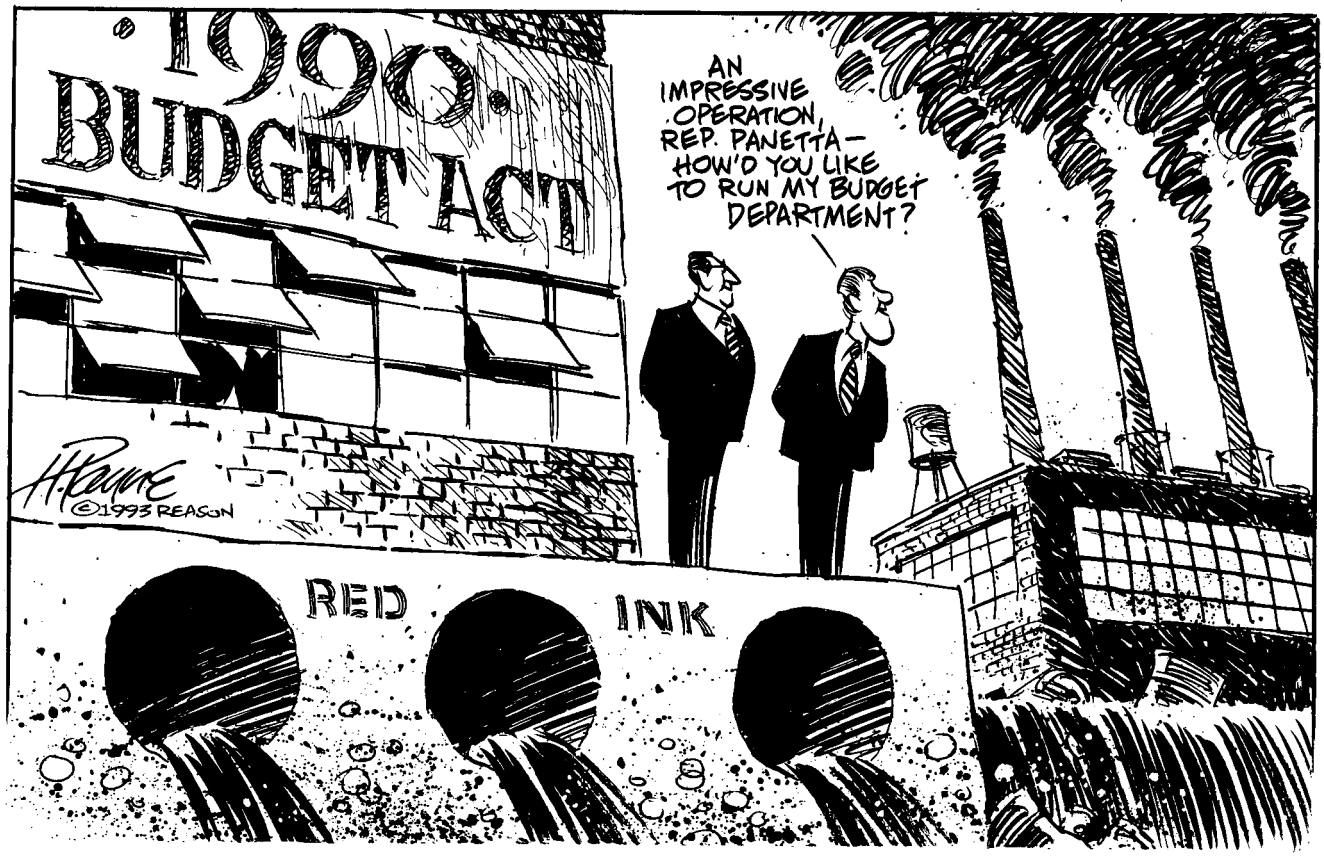
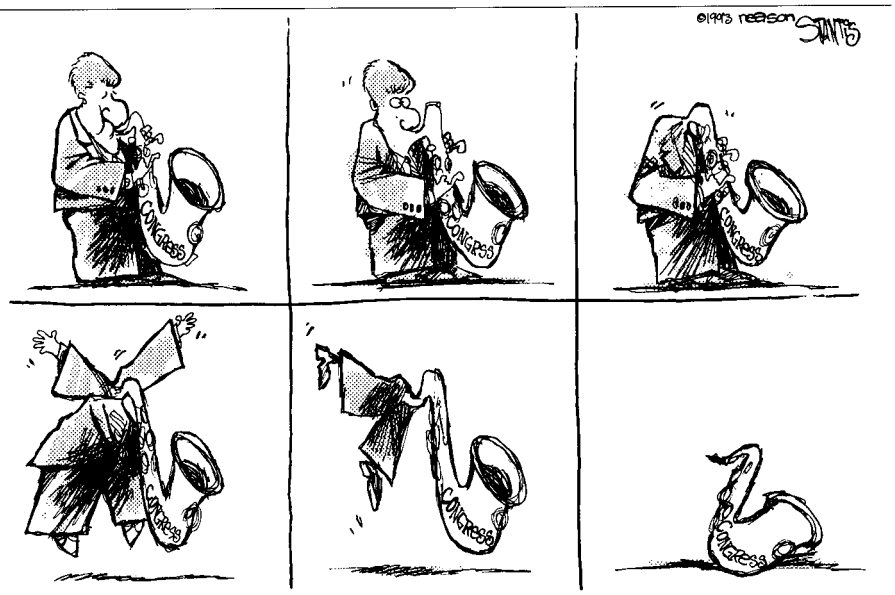


HENRY PAYNE

Just before leaving Tokyo (where they had performed a concert), several members of Texas Southern University's Ocean of Soul Marching Band went to the electronics district to do a little last-minute...shoplifting. Store clerks were stunned as 28 members of the band openly pocketed 119 items—tape recorders, compact-disc players, pocket televisions, video games—worth $22,000. The felons were apprehended as they boarded the bus that was to take them to the airport. Apparently, this incident has really stained America's image in Japan. Sure, they already thought we were lawless and corrupt, but at least they thought we were good at it.



Last year, the campaign for the Santa Clara, California, City Council centered on the town's troubled budget. All the winners had promised to cut the fat from city spending. So it surprised some when the first action taken by the new council was to pay $13,500 from city emergency funds to send two groups of high-school cheerleaders to compete in a national tournament in Florida. The council at first rejected the motion, but after a performance by the groups, they changed their minds. As one newspaper account put it, the sight of 50 girls in cheerleading outfits "was too much for the council to refuse." I know exactly how they must have felt.

Federal auditors have discovered that 237 government planes are missing, presumably misplaced. Did anyone check John Sununu's house?

The *Adult Video News* reports that the entire cast of *Malcolm XXX* walked off the set. Seems the all-black cast felt the movie wasn't treating Malcolm X with the proper respect.

A California cable system accidentally showed explicit scenes from an adult movie during a Sunday morning slot normally occupied by a religious program. Oddly enough, more than 10 minutes passed before anyone called to complain.

In Vermont, the state Supreme Court has reinstated the handicap-discrimination case of a chambermaid fired by a ski resort for refusing to wear her dentures at work.

In France, a court has allowed a couple to name their daughter Marie Marie Marie. Government officials had refused to enter the name in civil records because it did not "enrich the French heritage."

At California's Humboldt State University, student activists have asked the student body to vote on a measure to replace the school's mascot: a lumberjack. (Humboldt is located near timberlands in Northern California.) Seems lumberjacks are "outdated, sexist and no longer representative of our views of the ecosystem."

In New York, a state court has awarded $1.2 million to the owners of a deceased sheepdog for the mental anguish they suffered when they found out the pet had been fraudulently buried in a mass grave rather than the separate plot they paid for.

In Wisconsin, AIDS activists protested the state's ban on condoms for prisoners by dropping rubbers onto a state pen from an airplane. Authorities spent two days confiscating all of the foil packs.

In Great Britain, 5,000 prostitutes have formed Offpro, an organization that will police the sex industry. If a customer is ripped off or reports poor-quality service, he will receive compensation in the form of a cash refund or alternative service from one of Offpro's members. And the offending prostitute will have her seal of approval revoked.

Finally, now that the EPA has saved us from asbestos, dioxin, and other substances that never were that dangerous to begin with, next on its list is...your shower. *EPA Watch* reports that the Environmental Protection Agency has launched a risk assessment on the health hazards of taking showers. The agency fears that people may be injured by inhaling water vapor.

—Charles Oliver

SCOTT STANTIS

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THE HUMANITARIAN THREAT TO FREE INQUIRY

By Jonathan Rauch

In 1990 the French National Assembly passed new laws to toughen the existing measures against racism. At the time people were in an uproar over the desecration of Jewish graves, and the newspapers were full of concern about France's extremist right wing and the revival of anti-Semitism in Europe and the Soviet Union. So the new legislation surprised no one. But there was something disturbing in it, passed over incidentally, as though hardly worth mentioning, in newspaper accounts like this one: "The measures also outlaw 'revisionism'—a historical tendency rife among extreme right-wing activists which consists of questioning the truth of the Jewish Holocaust in World War II."

Taken by itself, the French action was a curious and vaguely troubling incident, but little more. But the French action could not be taken by itself. It was part of a pattern.

In Australia the New South Wales parliament amended the Anti-Discrimination Act in 1989 to ban public racial vilification. Since most people are against racial vilification, most could sympathize with the legislature's intentions. But it was hard to be enthusiastic about the mechanism. Reports Tony Katsigiannis in the Australian magazine *Policy*: "The law invests in the Anti-Discrimination Board the power to determine whether a report is 'fair,' and whether a discussion is 'reasonable,' 'in good faith,' and 'in the public interest.' The Board will pronounce upon the acceptability of artistic expression, research papers, academic controversy, and scientific questions. An unfair (i.e., inaccurate) report of a public act may expose the reporter and the publisher to damages of up to $40,000."

In Denmark the national civil-rights law forbids "threatening, humiliating, or degrading" someone in public on the basis of race, religion, ethnic background, or sexual orientation. When a woman wrote letters to a newspaper calling the national domestic-partnership law "ungodly" and homosexuality "the ugliest kind of adultery," she and the editor who published her letters were targeted for prosecution.

In Canada a reputable research psychologist named Jean Philippe Rushton presented a paper in 1989 in which he looked at three very broad racial groups and hypothesized that, on average, blacks' reproductive strategy tends to emphasize high birth rates, Asians' tends toward intensive parental nurturing, and whites' tends to fall in between. The man was vilified in the press, he was denounced on national television (to his face) as a neo-Nazi, and his graduate students were advised to find a new mentor. That was not all. The Ontario provincial police promptly launched a six-month investigation of Rushton under Canada's hate-speech prohibition. They questioned his colleagues, demanded tapes of his debates and media appearances, and so on. "The provincial police officially assessed the question of whether Rushton might be subject to two years in prison for such actions as 'using questionable source data.' " In the end, the attorney general decided not to prosecute and settled for denouncing Rushton's ideas as "loony."

So it goes in France, Australia, Denmark, Canada—and the United States. The U.S. Constitution, however, makes government regulation of upsetting talk difficult, so in America the movement against hurtful speech has been primarily moral rather than legal, and nongovernmental institutions, especially colleges and universities, have taken the lead. All around the country, universities have set up anti-harassment rules prohibiting, and establishing punishments for, "speech or other expression" (this is from Stanford's policy, adopted in 1990 and more or less representative) that "is intended to insult or stigmatize an individual or a small number of individuals on the basis of their sex, race, color, handicap, religion, sexual orientation or national and ethnic origin."

One case generated a lawsuit in the federal courts, which eventually struck down the rule in question. At the University of Michigan, a student said in a classroom discussion that he considered homosexuality a disease treatable with therapy. Now, as of this writing the evidence is abundant that the student's hypothesis is wrong, and any gay man or woman in America can attest to the harm that this particular hypothesis has inflicted over the years. But the people at Michigan went further than to refute the student or ignore him. They summoned him to a formal disciplinary hearing for violating the school's policy prohibiting speech that "victimizes" people on the basis of "sexual orientation."

Such cases have drawn their share of outrage from civil libertarians. To understand these incidents as raising only civil-liberties issues, however, is to miss the bigger point. A very dangerous principle is now being established as a social right: Thou shalt not hurt others with words. This principle is a menace—and not just to civil liberties. At bottom it threatens liberal inquiry—that is, science itself.

On May 10, 1989, the Nashville *Tennessean* reported that George Darden, a city councilman, had filed a resolution asking the city to build a landing pad for unidentified flying objects. "What it was," he said, "people were reporting all these strange creatures coming to town, and they have nowhere to land." He said that he had never seen the creatures himself but that he was "very serious." He wanted to know, "When people see them, do you want to just cast them off as a lunatic?"

George Darden was no clown. He was raising nothing less than what philosophers refer to as the problem of knowledge: What is the right standard for distinguishing the few true beliefs from the many false ones? And who should set that standard? Everybody laughed at Darden—but he deserves an answer. To the central question of how to sort true beliefs from the "lunatic" ones, here are five answers, five decision-making principles—not the only ones by any means, but the most important contenders right now:

- The Fundamentalist Principle: Those who know the truth should decide who is right.
- The Simple Egalitarian Principle: All sincere persons' beliefs have equal claims to respect.
- The Radical Egalitarian Principle: Like the simple egalitarian principle, but the beliefs of persons in historically oppressed classes or groups get special consideration.
- The Humanitarian Principle: Any of the above, but with the condition that the first priority be to cause no hurt.
- The Liberal Principle: Checking of each by each through public criticism is the only legitimate way to decide who is right.

The last principle is the only one that is acceptable, but it is now losing ground to the others. Impelled by the notions that science is oppression and criticism is violence, the central regulation of debate and inquiry is returning to respectability—this time in a humanitarian disguise. The old principle of the Inquisition is being revived: People who hold wrong and hurtful opinions should be punished for the good of society. To see why, you have to look at fundamentals.

THE CENTRAL REGULATION OF DEBATE AND INQUIRY IS RETURNING TO RESPECTABILITY, THIS TIME IN A HUMANITARIAN DISGUISE.

We have standard labels for the liberal political and economic systems—democracy and capitalism. Oddly, however, we have no name for the liberal intellectual system, whose activities range from physics to history to journalism. I use the term "liberal science." The very need to invent a label for our public idea-sorting system speaks volumes about the system's success. Establishing the two basic rules on which liberal science is based required a social revolution; yet so effective have those rules been, and so beneficent, that most of us take them for granted. Put them into effect, and you have laid the groundwork for a knowledge-producing and dispute-resolving system that beats all competitors hands down. They are the basis of liberal inquiry and of science.

First, the skeptical rule: *No one gets the final say.* No idea, however wise and insightful its proponent, can ever have any claim to be exempt from criticism by anyone, no matter how stupid and grubby-minded the critic. A statement is established as knowledge only if it can be debunked, in principle, and only insofar as it withstands attempts to debunk it.

This is, more or less, what the great 20th-century philosopher of science Karl R. Popper and his followers have called the principle of falsifiability. Science is distinctive not because it proves true statements but because it seeks systematically to disprove false ones. In practice, of course, it is sometimes hard, if not impossible, to say whether a given statement is falsifiable or not. But what counts is the way the rule directs us to try to *act.* If you do not try to check ideas by trying to debunk them, then you are not practicing science.

Second, the empirical rule: *No one has personal authority.* No one gets special say simply on the basis of who he happens to be. A statement is established as knowledge only if the method used to check it gives the same result regardless of the identity of the checker and regardless of the source of the statement. *Who* you are doesn't count; the rules apply to everybody, regardless of identity.

"The liberation of the human mind," H. L. Mencken once wrote, "has been best furthered by gay fellows who heaved dead cats into sanctuaries and then went roistering down the highways of the world, proving to all men that doubt, after all, was safe—that the god in the sanctuary was a fraud. One horse-laugh is worth ten thousand syllogisms."

Mencken stood in a great American tradition: a tradition of doubt and inquiry and rowdy reformulation of truth. "All of my work hangs together, once the main ideas under it are discerned," he said. "These ideas are chiefly of a skeptical character. I believe that nothing is unconditionally true, and hence I am opposed to every statement of positive truth and every man who states it." No final say—that was Mencken, down to the soles of his feet.

Americans have enough Menckenian instinct in their guts to be frightened by overt intellectual authoritarianism, even if they don't always precisely understand the nature of the threat. The war whoops of Khomeini and his raging supporters have awakened many snoozing Westerners to the fact that tens or hundreds of millions of people really do detest liberalism. At home, religious fundamentalism is a minority interest, not very powerful—weak enough, in fact, to be treated with arrogance and contempt by the intellectual establishment when it is worthy instead of respectful enmity.

Where religious true believers are concerned, we are pretty vigilant. The greater threat is embracing authoritarianism in the name of fairness and compassion. Having been at last rousted

out of politics and economics by the disaster of communism, the authoritarian Rasputin has now come calling on liberal science, and he already has his foot in the door.

To begin with, I should be clear about what I mean by intellectual egalitarianism. In one sense, liberal science is as egalitarian as any system could be. Where the game of science is properly played, no one is granted personal authority simply because of who he happens to be—period. The rules apply to everybody. It is quite true that for most of history (and not just in the West) women, blacks, and others were denied equal access to the intellectual and scientific establishment, as they were denied equal access to so much else. But that represents not the failure of liberalism but the failure to embrace it. To renounce liberal science because the society in which it was embedded tended to shut out women is as silly as it would have been to renounce democracy in 1910 because women were not allowed to vote.

Science, when it works the way it is supposed to, is an equal-opportunity knowledge maker. But that is very different—radically, fundamentally different—from being an equal-*results* knowledge maker. Some people who understand the difference clamor for equal results—for instance, people on the political left who demand an equal place in the canon of knowledge for minority groups' points of view. Many more people, however, simply misunderstand. They don't realize that there is a wide gulf between equal access to a knowledge-making system and equal results. Their misunderstanding has the potential for grave consequences.

TO REQUIRE "EQUAL TIME" FOR CREATIONISM IN THE NAME OF ACADEMIC FREEDOM IS TO MISCONSTRUE HOW LIBERAL INQUIRY WORKS.

One of the most troubling examples of such misunderstanding is *Edwards v. Aguillard,* whose attack on intellectual liberalism was subscribed to by two justices of the U.S. Supreme Court. The state of Louisiana had passed a statute (the Balanced Treatment for Creation-Science and Evolution-Science in Public School Instruction Act) requiring that wherever in public schools the theory of evolution was taught, "scientific creationism" was to be taught along with it. The act did not require that either one be taught; only that if one was, so must be the other. The bill's sponsors felt that students were being indoctrinated with one (disputed) view of how humanity came to be. They thus demanded that the evidence on both sides be presented if the subject were to be broached. One state senator stressed that to teach religion in disguise was not his intent: "My intent is to see to it that our textbooks are not censored."

In 1987 the Supreme Court struck down the law as unconstitutional. But Justice Antonin Scalia, one of the brightest judges on the American bench, strongly dissented; he was joined by the chief justice, William Rehnquist. Scalia's dissent aimed straight at what liberal intellectual standards are all about. And it is a mark of the egalitarian fallacy's seductiveness that the conservative Scalia and the still more conservative Rehnquist tumbled right into bed with the left-wing people who say that to insist on science is to oppress minority traditions.

The question of constitutionality was central to the Court, but not to the egalitarian attack. What was central there was the background view of knowledge that informed Scalia's dissent: that the Louisiana legislature was seeking to ensure academic freedom, and that academic freedom could be advanced by requiring that evidence for all beliefs, or at least more than one, be presented. It is important to see that you could apply that argument to secular beliefs just as easily as to religious ones. If states began passing laws requiring equal time for astrology—and it's a wonder they haven't—Scalia's egalitarian view of knowledge would say they were doing the fair thing. Scalia said that the evidence for evolution was not conclusive, and that the law's supporters had presented testimony that creationism had scientific support. Therefore throwing out a state's attempt to give both sides a hearing, he said, was "illiberal." "In this case," he said, "it seems to me the Court's position is the repressive one."

That, of course, is just what the complaints from the left assert: The Western view of objective knowledge and the scientific order built upon it are both "repressive." The egalitarian line of thinking holds that since any standard for truth is biased and political, no one's standard should get special privileges, but rather all should be equal.

For instance, "The monocultural perspective of traditional American education *restricts the scope of knowledge"* (my italics). That is from the report by New York State's 1989 task force on minorities and education. The report continues, "It acts as a constraint on the critical thinking of African American, Asian American, Native American, and Puerto Rican/Latino youth because of its hidden assumptions of 'white supremacy' and 'white nationalism.' "

Only the particulars are left-wing. The charge itself—that "the monocultural perspective of traditional American education restricts the scope of knowledge"—could just as easily have come from the creationist right. The bill of particulars might just as easily have read, "It acts as a constraint on the critical thinking of American youth because of its hidden assumptions of 'Darwinist supremacy' and 'secular

humanism.' " Either way, the argument is the same: The establishment's view of what the "facts" are and how to find them has excluded someone, and the way to ensure intellectual freedom (broaden "the scope of knowledge") is to rewrite the texts so as to let that someone in. That the left-wing and right-wing intellectual egalitarians have so far failed to make common cause is a function merely of expediency, not principle.

On its face Scalia's argument is plausible, especially since it appeals to one of Americans' most laudable principles, namely the principle of political equality. There is no doubt that the argument is impelled by decency. But in fact it is very dangerous. It cuts out, with a surgeon's precision, the heart of a peculiar and subtle distinction on which all of Western intellectual life—I do not exaggerate—depends. That distinction is as follows: To believe incorrectly is never a crime, *but simply to believe is never to have knowledge.*

IF YOU WANT TO BELIEVE THE MOON IS MADE OF GREEN CHEESE, FINE. BUT TO HAVE YOUR BELIEF ACCEPTED AS KNOWLEDGE, THERE ARE CERTAIN THINGS YOU MUST DO.

In liberal science, there is positively no right to have one's opinions, however heartfelt, taken seriously as knowledge. Just the contrary: Liberal science is nothing other than a selection process whose mission is to test beliefs and reject the ones that fail. A liberal intellectual regime says that if you want to believe the moon is made of green cheese, fine. But if you want your belief recognized as knowledge, there are things you must *do.* You must run your belief through the science game for checking. And if your belief is a loser, it will not be included in the science texts. It probably won't even be taken seriously by most respectable intellectuals. In a liberal society, knowledge is the rolling critical consensus of a decentralized community of checkers. That is so not by the power of law but by the deeper power of a common liberal morality.

And who decides what the critical consensus actually is? The critical society does, arguing about itself. That is why scholars spend so much time and energy "surveying the literature" (i.e., assessing the consensus so far). Then they argue about their assessments. The process is long and arduous, but there you are. Academic freedom would be trampled instead of advanced by, say, requiring that state-financed universities put creationists on their biology faculties or give Afrocentrists rebuttal space in their journals. When a state legislature or a curriculum committee or any other political body decrees that anything in particular is, or has equal claim to be, our knowledge, it wrests control over truth from the liberal community of checkers and places it in the hands of central political authorities. And *that* is illiberal.

Intellectual liberalism is not intellectual majoritarianism or egalitarianism. You do not have a claim to knowledge either because 51 percent of the public agrees with you or because your "group" was historically left out; you have a claim to knowledge only to the extent that your opinion still stands up after prolonged exposure to withering public testing. Now, it is true that when we talk about knowledge being a scientific consensus we are talking about a majority of scientists. But we are not talking about a mere majority. For a theory to go into a textbook as knowledge, it does not need the unanimity of checkers' assent, but it does need far more than a bare majority's. It should be generally recognized as having stood up better than any competitor to most of the tests that various critical debunkers have tried.

Today it is possible that a majority of climatologists believe that global warming is a fact (one can't say for sure, since scientists don't vote on these things), but global warming is far from well enough established to be presented as fact in textbooks. The point extends beyond natural science. The critical consensus of historians is that many minority groups did not make much of a contribution to the writing of the Constitution. Attempts to find a role for them and install them in the textbooks may make some people feel better. But it would betray the community of critical checkers. It would also lead to factional warfare as other political groups took up the cry and demanded *their* share.

For various minorities, the answer is to do just what many black and feminist historians are doing, namely to propose new hypotheses about the role of, say, blacks and women in American history. But only after those hypotheses have stood up to extensive checking, only after each has convinced each, is it time to rewrite the texts.

Further, only after an idea has survived checking is it deserving of respect. Not long ago, I heard an activist say at a public meeting that her opinion deserved at least respect. The audience gave her a big round of applause. But she and they had it backwards. Respect was the most, not the least, that she could have demanded for her opinion. Except insofar as an opinion earns its stripes in the science game, it is entitled to no respect whatever. This point matters, because respectability is the coin in which liberal science rewards ideas that are duly put up for checking and pass the test. That is why it is so important that creationists and alien-watchers and radical Afrocentrists and white supremacists be granted every entitlement to speak but no entitlement to have their opinions respected.

Liberal science cannot exert discipline if it cannot drive unsupported or bogus beliefs from the agenda by marginalizing them. When you pass laws requiring equal time for

somebody's excluded belief, you effectively make marginalization illegal. You say, "In our society, a belief is respectable—and will be taught and treated respectfully—if the politically powerful say it is."

Once you have said that, you face a very stark choice. You can open the textbooks only to those "oppressed" beliefs whose proponents have political pull. Or you can take the principled egalitarian position, and open the books and the schools to *all* sincere beliefs. If you do the former, then you have replaced science with power politics. If you do the latter, then you have no principled choice but to teach, for example, "Holocaust revisionism" as an "alternative theory" held by an "excluded minority"—which means, in practice, not teaching 20th-century history at all. Either way, you have taken in hand silly and even execrable opinions and ushered them from the fringes of debate to the very center. At a single stroke, you have disabled liberal society's mechanism for marginalizing foolish ideas, and you have sent those ideas straight to the top of the social agenda with a safe-conduct pass.

BY ITS OWN LIGHTS THE INQUISITION WAS A HUMANITARIAN ACTION, SINCE HERETICS THREATENED PEACE, STABILITY, AND OTHER PEOPLE'S SOULS.

As knowledge-making regimes go, nothing is as successful or as respectful of diversity or as humane as liberal science. The trouble is that liberal science often does not look very humane. It uses sticks as well as carrots. The carrots are the respectability, frequent use, and public credit that it bestows on the opinions that it validates; the sticks are the disrespect and the silent treatment that it inflicts on the opinions that fail. Those sticks are nonviolent, true. But it is unconscionable not to acknowledge that denying respectability is a very serious matter indeed. It causes pain and outrage—outrage to which Scalia's humane impulses reached out in *Edwards v. Aguillard*. Here is where the door opens to the most formidable attack on liberal science—the humanitarian attack.

"Well," goes the argument, "we must, it appears, have intellectual standards. But what should our standards be? Obviously it is desirable to have standards that minimize pain. And a lot of beliefs cause pain. Racist beliefs cause pain. Anti-Semitic and sexist and homophobic beliefs cause pain. So do anti-American and anti-religious beliefs. If we're going to have a social system for weeding out beliefs, it should start by weeding out beliefs that cause pain. Intellectuals should be like doctors. They should first do no harm."

The empathetic spirit from which that line of thinking springs is admirable. But the principle to which it leads is nothing but dreadful. The right principle, and the only one consonant with liberal science, is: Cause no pain solely in order to hurt. The wrong principle, but the one that has increasingly taken the place of the right one, is: Allow no pain to be caused.

The social system does not and never can exist that allows no harm to come to anybody. Conflict of impulse and desire is an inescapable fact of human existence, and where there is conflict there will always be losers and wounds. Utopian systems premised on a world of loving harmony—communism, for instance—fail because in the attempt to obliterate conflict they obliterate freedom. The chore of a social regime is not to obliterate conflict but to manage it, so as to put it to good use while causing a minimum of hurt and abuse.

Liberal systems, although far from perfect, have at least two great advantages: They can channel conflict rather than obliterate it, and they give a certain degree of protection from centrally administered abuse. The liberal intellectual system is no exception. It causes pain to people whose views are criticized, still more to those whose views fail to check out and so are rejected. But there are two important consolations. First, no one gets to run the system to his own advantage or stay in charge for long. Whatever you can do to me, I can do to you. Those who are criticized may give as good as they get. Second, the books are never closed, and the game is never over. Sometimes rejected ideas (continental drift, for one) make sensational comebacks.

Humanitarians, though, remain unsatisfied. Their hope, which is no less appealing for being futile, is that somehow the harm can be prevented in the first place. Their worry is that the harm may emanate in two directions, one social and the other individual.

Social harm accrues to society as a whole from the spread of bad ideas; held to be especially vulnerable are minorities or groups seen as lacking power. "AIDS comes from homosexuals," "Jews fabricated the Holocaust," "blacks are less intelligent than whites"—those ideas and others like them can do real mischief.

Though the special concern for minorities as groups is a new twist, this argument is an old and highly principled one. It was used, in all good conscience, by the Inquisition. The heretic, in those days, endangered the peace and stability of the whole society by challenging the rightful authority of the church. The Inquisition was a policing action. But by its own lights it was a humanitarian action, too. The heretic endangered the faith of believers and so threatened to drag others with him to an eternity of suffering in perdition; not least of all, he threw away his own soul. To allow such a person to destroy souls seemed

at least as indecent as allowing racist hate speech seems today.

Humane motives, however, could not save the Inquisition from the same problem that faces humanitarians today: Although allowing mistakes is risky, suppressing them is much riskier, because then a "mistake" becomes whatever it is that the authorities don't like to hear. Suppressing offensiveness, too, comes at a high cost, since offensiveness is not the same thing as wrongness—often just the contrary. Sometimes patently "offensive" verbiage turns out to be telling the unpopular truth. "All the durable truths that have come into the world within historic times," said Mencken, "have been opposed as bitterly as if they were so many waves of smallpox."

IT'S CLEAR WHAT COMES AFTER "OFFENSIVE WORDS ARE BULLETS": YOU HURT ME WITH WORDS, I REPLY WITH BULLETS.

The other, and much newer, strand of intellectual humanitarianism is intuitively more appealing and emotionally harder to resist. It says that wrongheaded opinions and harsh words are hurtful to *individuals.* And here liberal science has been put squarely on the defensive, for the first time in more than 100 years; for here you have, not the cold-blooded public censor raising bureaucratic objections on behalf of "society," but an identifiable person saying "*I* am hurt" and speaking for his own dignity. In today's world the second kind of claim, like all human-rights claims, seems compelling. Facing it means owning up to the truth about knowledge and about the system that best produces it.

So let us be frank, once and for all: Creating knowledge is painful, for the same reason that it can also be exhilarating. Knowledge does not come free to any of us; we have to suffer for it. We have to stand naked before the court of critical checkers and watch our most cherished beliefs come under fire. Sometimes we have to watch while our notion of evident truth gets tossed in the gutter. Sometimes we feel we are treated rudely, even viciously. As others prod and test and criticize our ideas, we feel angry, hurt, embarrassed.

We would all like to think that knowledge could be separated from hurt. We would all like to think that painful but useful and thus "legitimate" criticism is objectively distinguishable from criticism that is merely ugly and hurtful. But the fact is that even the most "scientific" criticism can be horribly hurtful, devastatingly so. The physicist Ludwig Boltzmann was so depressed by the harshness of F. W. Ostwald's and Ernst Mach's attacks on his ideas that he committed suicide.

In the pursuit of knowledge many people—probably most of us at one time or another—will be hurt, and this is a reality that no amount of wishing or regulating can ever change. It is not good to offend people, but it is necessary. A no-offense society is a no-knowledge society.

And what should we require be done to assuage the feelings of people who have been offended, to recompense them for their hurt and punish their tormentors? This and only this: *absolutely nothing.* Nothing at all.

The standard answer to people who say they are offended should be: "Is there any casualty other than your feelings? Are you or others being threatened with violence or vandalism? No? Then it's a shame your feelings are hurt, but that's too bad. You'll live." If one is going to enjoy the benefits of living in a liberal society without being shamelessly hypocritical, one must try to be thick-skinned.

The alternative is to reward people for being upset. And as soon as people learn they can get something if they raise Cain about being offended, they go into the business of professional offendedness. If that sounds callous, remember that the establishment of a right not to be offended would lead not to a more civil culture but to a lot of shouting matches over who was being offensive to whom, and who could claim to be more offended. All we will do that way is to shut ourselves up.

In one sense the rise of intellectual humanitarianism represents an advance of honesty: It drops the pretense that liberal science is a painless and purely mechanistic process, like doing crossword puzzles. But the conclusion that the humanitarians draw—that the hurting must be stopped—is all wrong. Impelling them toward their wrong conclusion is a dreadful error: the notion that hurtful words are a form of violence.

Offensive speech hurts, say the humanitarians. It constitutes "words that wound" (writes one law professor); it does "real harm to real people" who deserve protection and redress (writes another law professor). When a law student at Georgetown University published an article charging that the academic credentials of white and black students accepted at Georgetown were "dramatically unequal," a number of students demanded that the writer be punished. And note carefully the terms of the condemnation: "I think the article is assaultive. People were injured. I think that kind of speech is outrageous." The notion of "assaultive speech" is no rarity today. A University of Michigan law professor said: "To me, racial epithets are not speech. They are bullets."

This, finally, is where the humanitarian line leads: to the erasure of the distinction, in principle and ultimately also in practice, between discussion and bloodshed. You do not have to be a genius to see what comes after "offensive words are bullets": If you hurt me with words, I reply with bullets, and the exchange is even. Words are bullets; fair is fair.

In February 1989 fundamentalist Moslems rose up against the British writer Salman Rushdie, who had written a novel they regarded as deeply, shockingly offensive to Islam's holy truths and to the Moslem community. As they understood it, the novel implied that Mohammed had made up the Koran, an outrageous (to them) slander against their holy book's divine origin. The novel fantasized about a whorehouse where each whore takes on the name, even the personality, of one of Mohammed's wives. It suggested that Mohammed might have bent his divine inspirations to suit his political needs or even his convenience. It referred to him as "Mahound." This is what they saw.

The Ayatollah Ruhollah Khomeini proclaimed it the duty of all good Moslems to kill Salman Rushdie: "It is incumbent on every Moslem to employ everything he has got, his life and his wealth, to send him to hell." Rushdie went underground. "I feel as if I have been plunged, like Alice, into the world beyond the looking glass," he wrote a year later, "where nonsense is the only available sense. And I wonder if I'll ever be able to climb back through."

The attack itself was not so very singular; fundamentalists have made a hobby of harassing the unorthodox for centuries. The surprise was that the reply from the liberal democracies was muttered and utterly incoherent. A long week of silence passed before President George Bush got around to saying, unimpressively, that the death threat was "deeply offensive."

In the end the Rushdie affair showed us graphically two things, one that we already knew and one that we did not know at all. What we already knew was that fundamentalism—and not just religious fundamentalism but any fundamentalist system for settling differences of opinion—is the enemy of free thought. More frightening was what we had not known: Western intellectuals did not have a clear answer to the challenge that Khomeini set before them.

This challenge was twofold (at least). First, it was a restatement of the creationists' challenge, the angry outsiders' cry from the heart: "Who gave you, the arrogant West, the right to make the rules? You are imperialists with your view of truth, with your insistence on the intellectual ways of secularism and of science. How dare you flout and mock our view of truth?"

The point was noted at the time. What was not so widely noted was the second dimension of Khomeini's challenge: the humanitarian dimension. This is not to say that Khomeini was a humanitarian, only that the argument that his supporters commonly made was humanitarian in principle: "You have *hurt* us with these evil words, these impious words, disrespectfully and needlessly written in utter disregard of Moslem sensibilities. You have caused pain and offense to many people. And this you have no right to do."

Liberals will never be able to answer these complaints honestly or consistently until we grit our teeth and admit the truth. Yes, Rushdie's words caused many people anger and pain. *And that is all right.* But no such honest admission was forthcoming. People often did not seem even to know what it was—free speech? science? religious liberty? nonviolence? respect for other cultures?—that they were defending. A lot of people seemed to have the impression that the Western intellectual system is a kind of anything-goes pluralism in which *all* ways of believing are created equal and the only rule is: "Be nice."

WHEN YOU PASS LAWS REQUIRING EQUAL TIME FOR SOMEONE'S EXCLUDED BELIEF, YOU ELIMINATE THE INTELLECTUAL DISCIPLINE IMPOSED BY MARGINALIZATION.

"Well," quite a few people said apologetically at the time of the Rushdie incident, "for Khomeini to have ordered Rushdie's death was of course bad, and he shouldn't have done that, but Rushdie certainly did write a book that was offensive to Islamic truths, and he shouldn't have done that, either." The chief rabbi of Great Britain said that the book should not have been published: "Both Mr. Rushdie and the Ayatollah have abused freedom of speech."

The Rushdie affair was a defining moment. It showed how readily Westerners could be backed away from a fundamental principle of intellectual liberalism, namely that there is nothing whatever wrong with offending—hurting people's feelings—in pursuit of truth.

The credo of liberal science imposes upon each of us two moral obligations: to allow everybody to err and criticize, even obnoxiously, and to submit everybody's beliefs—including our own—to public checking before claiming that they deserve to be accepted as knowledge. Today, activists and moralists are assailing both halves of the creed. They are assailing the right to err and criticize, when the error seems outrageous or the criticism seems hurtful; they are assailing the requirement for public checking, when the result is to reject someone's belief. They have a right to pursue their attack (nonviolently), but they, and we, should understand that they are enemies of science itself, and even, ultimately, of freedom of thought. And those of us who hold sacred the right to err and the duty to check need to understand that our defense of liberal science must preach not only toleration but discipline: the hard self-discipline that requires us to live with offense. ■

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PRESIDENTIAL COUNSEL

REAL IDEAS FOR "NEW DEMOCRATS"

PRIVILEGE & POVERTY

By Richard J. Dennis

Dear President Clinton:

I am often asked by my libertarian friends what they should expect from your administration. I sometimes jokingly say you don't have a libertarian bone in your body. Actually, on several issues—abortion, the First Amendment, and immigration—we Democrats are more libertarian than the Republicans. Furthermore, there are looming issues on which Democrats and libertarians should be in lockstep.

For example, both Democrats and libertarians are opposed to handouts for the well-to-do and powerful, especially corporate interests that thrive under government protection and subsidies. For Democrats, these arrangements stand in the way of social justice for the common guy. For libertarians, corporate welfare violates our belief in unfettered markets and our commitment to minimal government. The motives may be different, but this is surely one area of common ground.

Similarly, both Democrats and libertarians believe in empowering the poor by respecting their capacities for managing their own lives. This was the motivating spirit of the War on Poverty and the Great Society. It has also been an essential element of many libertarian tracts and tomes. Both sides have viewed the alternative, bureaucratic paternalism, as fostering dependency and undermining the basic dignity deserved by all in a free society.

These two areas of agreement provide a simple but powerful set of themes for your first term as president. In the name of balancing the budget and attacking privilege (and predominantly Republican privilege at that), you should lead a full-scale assault on the many subsidies and protections that are now viewed as pseudo-entitlements by many business executives. Under the banner of Democratic tradition and concern for the downtrodden, you should push for the elimination of social-welfare programs that primarily support bureaucrats and, as an alternative, advocate giving low-income individuals greater latitude in deciding how to use public assistance.

Under the first theme, the choices for specific targets are numerous. For starters, why not take on farm subsidies? Each year, we hand out $10 billion to $20 billion in price supports and other aid to a small and relatively affluent group of farmers. The average full-time farmer is 10 times wealthier than the average householder, with roughly $700,000 in assets. Farmers receive almost 45 cents in federal support for every dollar earned. The 30,000 largest operators receive, on an average, over $50,000 per year. And only $1.00 out of every $10 goes to needy farmers.

When the farm lobby starts to howl over your proposed cuts, just keep in mind that 63 percent of the agriculturally dependent counties voted for George Bush. There is not much political downside left.

Another area of Republican welfare is federal deposit insurance. Because of past commitments, $100 billion will be paid out of the federal treasury this year to predominantly upper-income individuals. It may be too radical to get rid of the FDIC, but why not institute a form of co-insurance so that depositors have some incentive to investigate the soundness of their financial institutions before they open an account? If only 90 cents of every dollar were insured by the government, there would be enough at stake to make many large depositors more prudent and vigilant in selecting their banks.

Empowering the poor may be a tougher goal for a Democrat to pursue than cutting business subsidies, because so many activists within our party have a vested interest in paternalism. Teachers, public-employee unions, social-service agencies, and the plethora of consultants and vendors that support our welfare bureaucracy will all be afraid of losing their jobs.

Nonetheless, there are opportunities for making significant inroads. For example, why not support the conversion of food stamps into cash? Poor families could then decide how much of their very limited resources should go to food and how much should be allocated to other needs, such as clothes, housing, and medical care. In taking this step, you would also be dismantling a huge bureaucracy in the Department of Agriculture that has become, along with the food industry, the main supporter of this cumbersome program. We already have a full complement of welfare experts at the Department of Health and Human Services. If we cash out food stamps and funnel the recipients' share of the money through HHS, there will be no reason for keeping a back-up crew on duty over at the Department of Agriculture.

THE AVERAGE FULL-TIME FARMER IS 10 TIMES WEALTHIER THAN THE AVERAGE HOUSEHOLDER, WITH ROUGHLY $700,000 IN ASSETS.

You can also pursue empowerment in education. We libertarians are great fans of vouchers. For a Democrat, however, full freedom of choice in education is politically impossible right now. Vouchers are anathema to the teachers' unions, one of your strongest political supporters. They will oppose any educational choice program that allows most students to opt out of public, union-controlled schools. But why not advocate choice for poor students on the ground that it's the only way to address their specific educational needs? Under Title I of the Elementary and Secondary Education Act, schools already

receive federal support based on the number of low-income students they serve. You should propose that Title I recipients have the right to use their federal grant *and* their local per-capita share at any accredited school. In Chicago, that would mean a stipend of more than $6,000 for every poor student. No one could accuse this plan of elitism, and middle-class parents will probably soon want the same right.

These two themes—eliminating rich people's welfare and empowering the poor—are politically potent for a "New Democrat" who wants to find a new path for his party. In the hands of an experienced politician who likes to sell policy, these themes could be electoral gold. To accomplish this agenda, however, you will need more than popular support. The workings of our political process make bold changes in policy almost impossible. Your friends in Congress may seem supportive now. But if you have any hope of making substantive changes in these two areas, you will find a hostile crowd on the Hill determined to protect the special interests that depend on government.

To overcome that resistance, you will need new tools. The best means for overcoming legislative intransigence is the line-item veto. Libertarians ought to be avid supporters of this procedural reform, because it can be used only to stop government spending. If you hope to reduce the budget deficit or tackle any other big challenge, you should make this issue a priority during the early days of your term. Without this lever to force change, you could spend the next four years facing thousands of small fights and never get the chance to address the major problems facing our country.

So libertarians and Democrats do have something in common. We may differ in our views on the positive uses of government. But we share some fundamental values about the misuse of government and public resources. Defunding Republican voters and unshackling Democratic constituents is both good politics and good government.

Richard J. Dennis, a trustee of the Reason Foundation, is a managing trustee of the Democratic National Committee.

HUMBLE HOMES

By Howard Husock

The Clinton administration will be under strong pressure to revive the federal housing policy that prevailed before the Reagan administration: subsidizing new construction and renovation of rental complexes for the poor. Advocates of this policy argue that the withdrawal of federal subsidies during the 1980s created an "affordable housing crisis" that exacerbated homelessness. This mantra is a recipe for Democratic frustration. Because of the profound constraints imposed by the federal deficit and public doubts about the manageability of housing complexes for the poor (which make finding sites nearly impossible), a new era of federally subsidized housing construction is unlikely.

Are we then stuck in a housing gridlock, with Democrats clinging to a vision that cannot be realized and the poor consigned to deteriorating public housing or worse? Not necessarily. There is an alternative that combines the traditional Democratic goal of housing the poor with the Republican emphasis on property ownership: private construction of modest, new homes—either small, single-family residences or multifamily houses with two to four units—in poor neighborhoods. These areas include large amounts of publicly owned land that can provide a costless subsidy for builders, drawing them into the lower end of the housing market.

This proposal, examples of which are already working in a number of cities, is not simply a different means of producing affordable housing. It also holds out the possibility of repairing the social structure in poor neighborhoods while avoiding long-term public subsidy and management. It can build on Jack Kemp's tenant-ownership experiments with public housing, with which Secretary of Housing and Urban Development Henry Cisneros is said to be sympathetic. And it offers Cisneros a chance to "reinvent" HUD without expensive new initiatives.

The "small houses in poor neighborhoods" notion comes from history. In the pre–New Deal era, private builders housed the poor. The conventional discussion of that period has emphasized the low quality of the housing that poor people could then afford—for example, the tenements of New York's Lower East Side. Housing reformers drew dire conclusions: They asserted that half to two-thirds of all families could not afford what the market could build. In reality, private builders devised a wide range of housing forms tailored to those of modest means. Often they were owner-occupied multifamily housing: brick "four-plexes" in Chicago, "three-deckers" in Boston, walk-ups in Brooklyn, row homes in Philadephia and Baltimore, bungalows in California. Traditionally, one bought or rented a small home, often in a multifamily building, and worked one's way up to neighborhoods of larger homes on larger lots.

The growth of public and subsidized housing, along with regulations (parking and lot-size requirements, for instance), undermined the options that builders provided for the poor. Tenants who might have rented one floor of a two-family house were offered what seemed at first to be the better accommodations of housing projects. Small landlords could not compete. By the time the problems of public housing became clear, the small builder had been driven out of poorer neighborhoods.

But now it's possible to lure the small builder back and provide a new generation of poor home buyers a chance to climb the housing ladder by providing rungs they can reach. The way has already been shown by organizations such as the New York City Housing Partnership, which acquires vacant lots in the Bronx and Brooklyn at no cost from the city and arranges for private builders to erect two- and three-family homes on them. The partnership has been midwife to the construction of 4,500 units since 1986, with 8,500 more planned. Two-family homes sell for $140,000—affordable, by New York standards. With modest

interest-rate subsidies from the state, they are within the reach of families earning as little as $30,000 a year.

Also in New York, a nonprofit consortium of inner-city churches has financed construction of 2,300 Nehemiah Plan Homes—small, single-family row houses. These homes, 600 of which have gone up in the South Bronx, cost a mere $59,000—within reach of families earning $20,000 a year. Similar efforts, on a smaller scale, have been undertaken in Houston, New Haven, Albany, and Orange, New Jersey.

The magic of these projects lies not only in producing inexpensive units with little or no public construction subsidy and no public operating costs. Although these homes will not house the very poorest, they will indirectly open up space for them. Virtually all buyers of Nehemiah homes and most buyers of New York City Partnership homes come directly from public housing. Thus public-housing units now occupied by blue-collar families are made available to those most in need. Housing for the poor is in effect created, without hard-to-pass federal expenditures. Instead, the existing tax deduction for mortgage interest and property taxes, passed directly on to lower-income homeowners, acts as a catalyst.

THE VIRTUES OF SMALL HOUSES IN POOR NEIGHBORHOODS GO BEYOND THE CONSTRUCTION OF HOUSING ITSELF

The virtues of small houses in poor neighborhoods go beyond the construction of housing itself. Owner-occupied multifamily housing promises a restoration of the social structure of poor neighborhoods: Small landlords will carefully select tenants, enforcing social standards in ways that housing authorities do not. At the same time, lower-income homeowners will accumulate equity and climb up the socioeconomic ladder. Tenants will see the value of ownership and aspire to it themselves. It is true that upward mobility will not occur without employment. But because a large part of net worth reflects the value of property, it is much harder for the working poor to make their way toward the middle class without owning the homes in which they live.

Some hidden assumptions should be made plain. First, although there is a great deal of open land in many older inner-city neighborhoods, encouraging new construction in poor areas may require some demolition of abandoned or dilapidated homes under eminent-domain powers. Second, we must continue to search for ways to make public housing manageable, especially as the most ambitious tenants are drawn into home ownership. Tenant ownership, coupled with management by private contractors, is one promising approach. At the same time, cities should encourage new, private housing forms for those at public-housing income levels, such as the single-room occupancy hotels of San Diego and Atlanta. These SROs benefit from a modest mortgage-insurance program devised by Kemp while he was at HUD.

The vision of a housing ladder reflects another important assumption: that neighborhoods will inevitably be stratified along income lines. This contrasts with the belief that public policy can somehow disperse the poor among more-affluent neighborhoods, thereby improving the life prospects of the poor and eliminating ghettos at the same time. This idea has essentially gone nowhere, even in the one state (New Jersey) where a court decision has blessed it. We must accept that residence in either a more- or less-affluent neighborhood is part of the incentive structure by which individuals lead their lives in a free-market system. (We should still seek to ensure that key public goods, such as education, are available to the poor as well as the affluent.)

Expanded home ownership among the working class will also require a new kind of HUD. Rather than being a source of subsidies, the new HUD can be a source of ideas—identifying successful housing designs and financing schemes in one city and letting other cities know about them; identifying regulatory barriers to construction in low-income neighborhoods and suggesting alternative approaches; using its bully pulpit to advocate home ownership for poorer families. Housing reform—the substitution of government-owned or significantly subsidized housing for the efforts of private builders—has reached a dead end. It is time for "unreform," an era in which government helps pave the way to private ownership rather than trying to take its place.

Howard Husock, a registered Democrat, is director of the Case Program at Harvard University's John F. Kennedy School of Government.

ESTABLISH JUSTICE

By Julie Stewart

Thanks to the criminal-justice policies of the Reagan-Bush years, 20-year-old Charisse Richardson will spend nearly 10 years in federal prison. Her crime? Telling a confidential informant where he could find her boyfriend so the two could complete an LSD sale. She was 18 years old at the time of the offense and a senior in high school. Her boyfriend, who was also arrested, squealed on everybody he knew and got only a four-year sentence. Are Americans truly safer because Charisse Richardson is behind bars?

Ronald Reagan, George Bush, and members of Congress seem to think so. Since 1980, the number of inmates in federal prisons has gone up by 400 percent. Today, nearly 60 percent of federal inmates are serving time for drug offenses, up from 25 percent in 1980. Most of these inmates are nonviolent first offenders like Charisse who will lose 5, 10, or 20 years of their lives. It's time for a change in sentencing policies.

President Clinton and the new Congress can bring this senseless incarceration of American citizens to a halt by repealing mandatory minimum sentences. This bold move would draw rapid fire from Republican drug warriors and cowardly Democrats, who would rather feed the public hysteria about drugs than face the reality of failed drug policies. The president must be ready to fight with an arsenal of statistics, reason, and guts.

He can start by citing the irrational manner in which mandatory sentences were established. Congress created a Sentencing Commission in 1984 to establish sentencing guidelines for all crimes. Two years later, Congress blatantly ignored the commission and decided that only Congress could be trusted to determine the appropriate sentences for drug offenders. What followed was a congressional betting war to see which members could be toughest. Much like a poker game, members of Congress upped the ante until drug sentences exceeded those for most other crimes. As one congressman later noted, if someone had suggested the death penalty, another member would have tried to top it.

NEARLY 60 PERCENT OF FEDERAL INMATES ARE SERVING TIME FOR DRUG OFFENSES; MOST ARE NONVIOLENT FIRST OFFENDERS.

Clinton must stress that mandatory sentences undermine a traditional principle of justice in this country—that the punishment should fit the crime. These mandatory sentences, based solely on the type of drug and its weight, have left justice out of the equation altogether. Usually trusted to give an appropriate sentence to each defendant, judges are forced in federal drug cases to rely on a chart and deliver the disproportionate sentences that Congress has dictated. The legislators who in effect impose the sentence never meet the defendant and know nothing about his case, background, or likelihood of rehabilitation.

The president can call on federal judges, including conservatives appointed by Reagan and Bush, to explain what it's like to send a nonviolent, 81-year-old man to prison for eight years, without parole, for a first offense. Because of mandatory minimums, judges can no longer even discriminate between real drug kingpins and minor players. Indeed, since "cooperating" is the only way to get your sentence reduced under the current law, kingpins actually have an advantage: They have more information to offer. A major smuggler or distributor can cut a deal with the prosecutor and do less time than a low-level mule.

Clinton can also trot out the victims of mandatory minimum sentences to give the law's consequences a human face. Thousands of ordinary citizens like Charisse Richardson are sitting in prison cells, wasting their skills, their potential, and their lives. Clinton may even be able to provide Congress with some examples of not-so-ordinary citizens who faced mandatory minimum sentences. In two separate cases, the sons of Rep. James Clyburn (D-S.C.) and Secretary of Education Dick Riley were recently arrested on drug charges.

The president can also play the race card. It is difficult for Congress to prove that mandatory minimum sentences are not racially discriminatory. Sentences for crack cocaine, used disproportionately by blacks, are 100 times greater than those for cocaine powder, used mainly by whites. In Minnesota, where the state Supreme Court found a similar disparity in state law unconstitutional in 1991, testimony indicated that 97 percent of defendants charged with crack possession were black, while 80 percent of defendants charged with possession of cocaine hydrochloride were white.

Moreover, the U.S. Sentencing Commission found that mandatory minimum sentences have resulted in longer prison terms for black and Hispanic defendants than for whites who commit comparable crimes. This increased racial disparity in sentencing is the opposite of what Congress intended when it passed these laws.

Clinton can also score points with a solid economic argument against mandatory sentences. The 42,000 federal inmates serving time for drug offenses cost taxpayers about $840 million per year to house, clothe, and feed. Add to that the lost tax revenue from former taxpaying citizens who are now incarcerated and the cost of supporting inmates' families who now receive public assistance. The president should also remember to factor in the cost of building the new prisons that are necessary to keep up with the skyrocketing prison population. The National Institute of Justice predicted that in 1992 the United States would need to spend $5.2 billion on prison construction to keep up with the current rate of incarceration. Since the prison population is expected to double within the next decade, we'll be throwing money into a black hole for many years to come. All told, the repeal of mandatory sentences will allow Clinton to slash several billion dollars from the budget deficit.

Getting rid of mandatory minimum sentences is a tall order for the new president, but he's the right person for the job. Bill Clinton's half-brother, Roger, spent 15 months in federal prison 10 years ago for a cocaine conviction. Under today's laws, Roger would have spent at least five years behind bars, and possibly as long as eight years, depending on his plea agreement. It's doubtful that the president believes his brother would have benefited from

an additional four to seven years behind bars. The time has come for President Clinton, with his unique personal perspective on sentencing, to build a coalition for sentencing reform.

The legislative vehicle is already waiting for him. Last year, Rep. Don Edwards (D-Calif.) introduced a bill to repeal all mandatory minimum sentences. Key Democratic members of the House Judiciary Committee have made it clear they won't touch this bill unless the president leads the way.

During the campaign, Clinton told the American Bar Association that "we need to make sure that people who belong in prison are sent there and that people who do not need to be there are not taking up expensive space." Now is his chance to make that happen.

Julie Stewart is president of Families Against Mandatory Minimums in Washington, D.C.

GREEN GUIDELINES

By Lynn L. Schloesser

The Clinton administration came to power on the promise of long-term economic revitalization. During the campaign, the press reported ad nauseum the slogan displayed on the wall of Clinton's headquarters: "It's the economy, stupid." Throughout the presidential race, the economy outweighed all other concerns, including the environment. To counterbalance the economic thrust of the debate and mollify his critics, Clinton chose Sen. Albert Gore, a darling of the environmental movement, as his running mate. These two individuals, President Clinton and Vice President Gore, represent two competing forces that have yet to be harmonized.

The political and popular response has been to deny that the tension exists. President Clinton and others have simply asserted that the conflict between jobs and the environment is "a false choice." But there are very real differences between Clinton's economic pragmatism and Gore's apocalyptic environmentalism.

In his popular book *Earth in the Balance*, Gore concludes: "I have come to believe that we must take bold and unequivocal action: we must make the rescue of the environment the central organizing principle for civilization." Among other things, this bold action requires a reassessment of individual rights: "The emphasis on the rights of the individual must be accompanied by a deeper understanding of the responsibilities to the community that every individual must accept if the community is to have an organizing principle at all."

Gore draws an analogy between the global environmental crisis and the 20th century's hot and cold wars with Nazi Germany and communist totalitarianism. Both crises are characterized by the "real enemy" of "dysfunctional thinking." Then the thinking was totalitarianism; today it is "ravenous, insatiable consumption, its dogma, and the mechanisms by which ever more resources are obtained." For the United States, Gore calls for nothing short of a reinterpretation under the Constitution of "the meaning of freedom...in the context of new knowledge, changed circumstances, and accumulated experience."

The global crisis calls for a collaborative effort like that undertaken to contain communist totalitarianism, only bigger: "a Global Marshall Plan." The Gore Plan, to be funded by the United States, Britain, Japan, Europe, and the wealthy, oil-producing states, has five strategic goals: 1) stabilization of the world population; 2) rapid creation in the developed world of "environmentally appropriate technologies" for quick transfer to all nations; 3) a new system of national accounts that "assigns appropriate values to the ecological consequences of...choices in the marketplace"; 4) a new set of international agreements; and 5) global environmental education. An additional goal is "establishment of...social and political conditions most conducive to the emergence of sustainable societies—social justice...human rights...and greater political freedom, participation, and accountability."

The environmental-technology centerpiece of the Gore Plan is a grand, government-led "Strategic Environment Initiative" to "phase out these older inappropriate technologies and at the same time develop and disseminate a new generation of sophisticated and environmentally benign substitutes." In effect, Gore advocates a transition from the "military-industrial complex" to the "environmental-industrial complex." The SEI would concentrate on agriculture, forestry, energy conservation, waste reduction, and recycling. The policies to address these areas would include: taxes, research and development, government purchasing, "the promise of large profits," technology assessment procedures, export controls, and intellectual-property protection.

GORE CALLS FOR NOTHING SHORT OF A REINTERPRETATION UNDER THE CONSTITUTION OF "THE MEANING OF FREEDOM."

Beyond Gore's environmental vision and Clinton's subordination of environmental concerns to economic concerns, the new administration has not articulated an integrated economic and environmental policy. Merely repeating the popular mantras is not enough, and treating the Constitution and our history of individual rights lightly is dangerous and shortsighted. The administration should remember that the United States has sustained its development under the common law and a Constitution that created three

co-equal branches of government, including a strong, independent judiciary that protects individual rights.

Given the common-law tradition and a Constitution constructed to protect individual rights, how can the twin objectives of economic recovery and environmental protection be met? First of all, the Clinton administration should eschew an open-ended, unchecked, and unbalanced list of environmental imperatives. Human, financial, and natural resources are all limited, and it makes no sense to waste any of them. These resources go together; environmental concerns do not trump everything else. The president should renounce the "precautionary principle," the idea that action should be taken to curb alleged environmental threats despite scientific uncertainty. Most importantly, the Clinton administration should institutionalize the use of risk assessment, including cost-benefit analysis, to set environmental priorities.

For more than two decades, Congress and the president have launched ambitious environmental programs without weighing costs against benefits. For example, the hazardous-waste remediation programs (including Superfund), created in the emotional aftermath of the Love Canal evacuation, are expected to cost between $440 billion and $1 trillion (in 1990 dollars) during the next 20 to 30 years. Here is a debacle that could dwarf the savings-and-loan scandal by a factor of two or three or more. Clinton's proposed $31-billion economic stimulus package is chump change by comparison. How do the dubious benefits of Superfund measure up against other possible uses, public or private, for all that money?

We cannot afford to continue moving from one overblown "crisis" to another. Congress has to stop legislating on the basis of the nightly news. Under current laws, the annual burden of fully implementing environmental regulations will increase by more than 60 percent during the 1990s, to $185 billion in 1990 dollars, or more than 2 percent of GNP. These regulations include measures, such as the 1990 air-toxin provisions of the Clean Air Act, whose costs clearly outweigh their benefits.

Means assessment is just as important as goal assessment. Despite a large and growing body of research showing the advantages of a more flexible, market-based approach, legislators and activists continue to favor command-and-control regulation. The ideal of efficiency may not be inspiring, but the means chosen to achieve environmental goals say a lot about our willingness to squander human, financial, and natural resources in the attempt to appear green.

Environmental groups maintain membership and revenues by focusing public attention on emotionally charged problems and simple solutions. This leads them to ignore scientific uncertainty (for example, regarding links between cancer and toxic emissions, acid rain and dead trees, carbon dioxide and climate change) and to emphasize mandates for specific technologies (for example, scrubbers for coal-fired power plants, catalytic converters for cars). They are fond of bans and quotas (such as "a 10-million-ton reduction by the year 2000"). Market-based instruments are more complicated and therefore harder to communicate. Worst of all, they make trade-offs explicit, and they internalize costs, thereby allaying the guilt that drives a good cause.

But the Clinton administration has more room to maneuver than the environmental groups do. It should consider all available means, whether private or government, market-based or command-and-control, to achieve goals at the lowest possible cost. Such means include: improvement of tort and nuisance law; removal of government subsidies for commodities; use of allowance trading programs; taxes, investment tax credits, fees and rebates, or deposits and refunds; and, as a last resort, government-set technology standards.

Candidate Clinton favored market-based incentives over bureaucratic, command-and-control methods to achieve environmental goals. He supported an "expanding entrepreneurial economy." If President Clinton respects the needs and the responsibilities of the business community with more than empty platitudes, he should commit his administration to decentralized and efficient means of attaining scientifically sound environmental goals. As he has said, "There is not a program in government for every problem. And if we really want to use government to help people, we've got to make it work again."

Lynn L. Schloesser was counsel to the Senate Environment Committee and an adviser to the Clinton campaign.

JOHNSON OR JEFFERSON?

By Joel Kotkin

Like most American presidencies, the Clinton administration is a coalition government. Blending the various strains of Democrats was essential for victory, first at the New York convention and then in November. The future of the administration will depend upon which elements of the party win the upcoming struggle for power.

For those who care about individual rights and capitalism, the stakes in this battle cannot be underestimated. The conflict now brewing in Washington touches on the very purposes and nature of government policy. It will decide whether the Democratic Party returns to its Jeffersonian roots or continues its 50-year infatuation with social democracy.

Although their interest in governmental solutions is not likely to sit well with libertarians, key neo-Jeffersonian "New Democrats" such as David Osborne, Elaine Kamarck, and Alice Rivlin think the central government's role is to lead individuals and communities to ever greater self-reliance. The New Democrats, clustered largely at the Democratic Leadership Conference's Progressive Policy Institute, prefer market-based solutions and greater discretion for local government. As chairman of the DLC, the umbrella organization that opposes the social-dem-

ocratic wing of the party, Clinton initially appeared to back much of the neo-Jeffersonian agenda—welfare reform, public-school choice, the Mexico Free Trade Agreement.

Whether Clinton will pursue this agenda, however, has become open to question in recent months, especially during the appointment process. Powerful opposing forces—including traditional "Beltway bandits," Wall Street corporatists, and a growing cluster of organizations anxious to secure special rights for a wide range of groups—have gained the president's ear. Although they differ in priorities, all these forces favor centralized solutions and want to expand government, often along European social-democratic lines, to protect their interests. They seek not an entrepreneurial economy based on individual responsibility but a restoration of the Great Society, often with economic and social-engineering ambitions so broad they would make Lyndon Johnson blush.

ROBERT REICH'S FANCIFUL NOTION OF IMPOSING TRAINING MANDATES ON EMPLOYERS MAKES SENSE ONLY IN A CLASSROOM AT HARVARD.

The policy priorities of these groups would be particularly damaging to smaller companies. Secretary of Labor Robert Reich's fanciful notion of imposing training mandates on employers, at a cost of roughly 1.5 percent of payroll, makes sense only in a classroom at Harvard. It would rob innovative firms of the essential flexibility to make choices about how and when to train their employees. Similar ideas about using government to shape business to the liking of Harvard dons promise a raft of new taxes and regulations on everything from quotas to health care.

Still, there are reasons to believe that the neo-Jeffersonians may yet prevail. For one thing, a large number of business owners, many of them entrepreneurs, have rallied around the Clinton presidency. Furthermore, as a former governor of a small, largely non-union Southern state, Clinton—perhaps more than any Democratic official in this century—recognizes that jobs and wealth come from the private sector. As a politician, he also understands that there are more small-business owners than union members.

The emerging entrepreneurial constituency within the Democratic Party already likes parts of Clinton's program, such as investment tax credits, reductions in the capital-gains tax for small and new companies, and a higher priority on opening world markets for American exporters. The entrepreneurs can become a powerful force pushing for an emphasis on new capital and new markets rather than bureaucratic training schemes, new regulatory regimes, or group rights for minorities.

At the same time, the neo-Jeffersonian wing has developed connections with some minorities and other urban interests excited by elements of the president's program—notably, welfare reform and support for community-based banks and micro-entrepreneurs—that break down, instead of prolonging, welfare dependence. These allies include a new generation of African-Americans and Latinos, most of whom oppose quotas and understand that welfarism simply hasn't worked.

Despite his unseemly pandering to the likes of Rep. Maxine Waters, Clinton probably realizes that the poverty warlords have no interest in empowering their constituents, since this would diminish their own power. And it's significant that Clinton won election without the active support of Jesse Jackson. For the first time since Kennedy, the Democrats have a president who can appeal to urban and minority constituencies without appealing first to the professional brokers who are likely to stand in the way of substantive reform.

Admittedly, the neo-Jeffersonians have only a few links to the White House—notably White House staffer Bill Galston, Secretary of Agriculture Mike Espy, and deputy budget director Alice Rivlin. "The only DLCer with power in the administration," notes one top PPI official, "is the president himself, and we don't know if he can even stand up to Hillary, much less all the other vultures out there."

Yet herein lies the hope. As a savvy politician, the new president recognizes that he was not elected to transfer money from the middle class to the underclass. He understands that there is nothing close to a majority constituency behind group rights or massive spending for such loony projects as high-speed rail and fiber-optic networks. And no matter how much he might personally admire Germany's welfare state, Clinton is bright enough to understand he was elected president, not chancellor of a greater Reich.

For those of us who are both Democrats and believers in individual rights, the next few months will present a major test. As the cabinet process showed, the forces seeking a Great Society restoration are powerful, and Clinton cannot be trusted to act without significant pressure. Our role should be to engage the centralizers, both within the administration and in the court of public opinion.

We probably will not like the administration's early efforts. But the essential reasonableness of New Democrat ideology, bolstered by both budget constraints and the basic instincts of the electorate, remains at the core of Clinton's true mandate. His desire for re-election, if nothing else, may lead him back to the neo-Jeffersonians before 1996.

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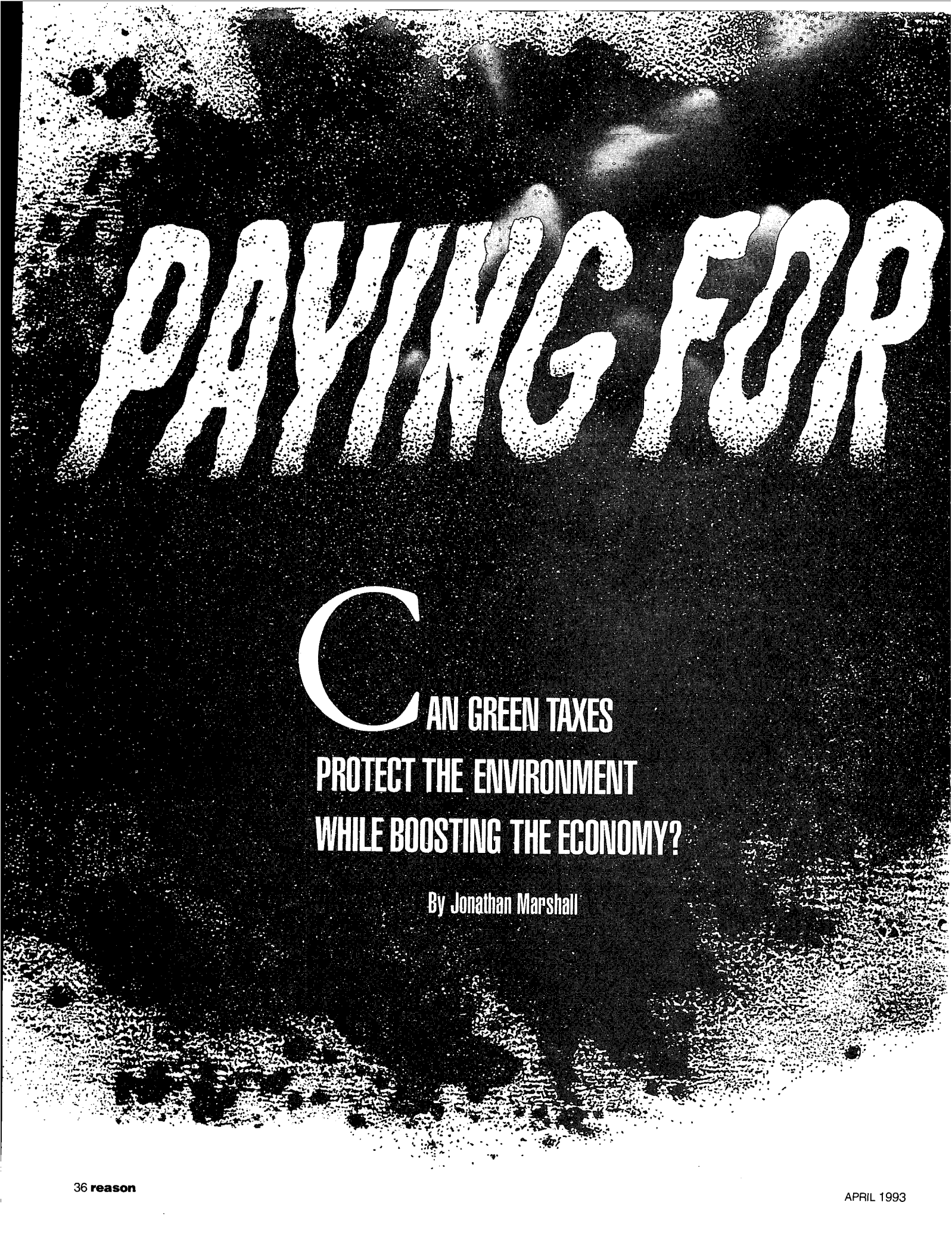


PAYING FOR

CAN GREEN TAXES PROTECT THE ENVIRONMENT WHILE BOOSTING THE ECONOMY?

By Jonathan Marshall

Who says there's no such thing as a free lunch? Not Vice President Gore, deputy budget director Alice Rivlin, or President Clinton's favorite think tank, the Progressive Policy Institute. They and other influential Washington policy wonks are touting a miracle cure for the economy's woes, one they claim will simultaneously boost productivity, help tame the deficit, and protect the environment.

Their secret weapon: a variant on supply-side tax reform. Shifting the tax burden away from economic "goods," such as labor and capital, onto economic "bads," such as harmful pollution, will allow individual welfare to flourish as never before, they

ARTHUR MATSON

have asserted in a flurry of recent position papers.

Long vulnerable to the charge of ignoring economic realities in favor of Edenic fantasies, environmentalists are signing up right and left to endorse this theory. So are deficit fighters who spot a huge new source of revenue. With support growing fast within the Clinton camp, the day may not be far off when the country puts these claims to the test—much to the chagrin of some fiscal conservatives, who fear another tax-and-spend boondoggle in the making.

"The signs are certainly right for a carbon tax or broad-based energy tax," says Rep. Pete Stark, a liberal California Democrat who sits on the Ways and Means Committee and has introduced carbon-tax proposals in each of the past two sessions of Congress. "These taxes can achieve the new administration's goals of dealing with global warming, reducing the deficit, and increasing industrial competitiveness."

But this bandwagon is moving altogether too fast for some critics. Pollution-tax schemes "look a lot better than they turn out to be in practice," warns Fred Smith, president of the Competitive Enterprise Institute in Washington and a former policy analyst with the Environmental Protection Agency. Enormous uncertainties about the proper level of such taxes make it possible, if not probable, that Congress will botch the tax rates and leave the economy worse off than before. And powerful interest groups will lobby for spending the vast sums raised by pollution levies on pork-barrel projects, undercutting the theory behind this tax reform. What looks splendid on paper to academic economists may become a nightmare in practice for business and consumers.

WHAT LOOKS SPLENDID ON PAPER TO ACADEMIC ECONOMISTS MAY BECOME A NIGHTMARE IN PRACTICE FOR BUSINESS AND CONSUMERS.

Pollution taxes are an old idea. The economist A. C. Pigou proposed them more than half a century ago as a means of correcting the "externalities," or social costs, imposed by polluting industries. Several European nations, including France and Germany, have long levied charges on industrial effluent. The concept has been revived in the United States since the Reagan and Bush administrations began touting market-based approaches to environmental protection, including tradable "permits" for sulfur-dioxide and other harmful air emissions. Pollution taxes won bipartisan support in the "Project '88" study of environmental incentives led by Sens. Tim Wirth, a Colorado Democrat, and John Heinz, the late Republican from Pennsylvania.

The tax idea has never won favor with industry, for a simple reason: Polluters would rather protect and profit from rights to maintain their existing emissions through a tradable-permits scheme than pay taxes on their unwelcome output.

But the broad appeal of pollution taxes keeps the concept alive. In theory, pollution taxes should not only discourage harmful emissions and encourage cleaner production methods more efficiently than "one-size-fits-all" regulations, they also have the potential for raising tens or hundreds of billions of dollars, either for wiping out the deficit or for offsetting other, less desirable taxes.

The first of many salvos following Clinton's victory came in a major report issued in November by the Washington-based World Resources Institute, titled "Green Taxes: How a Tax Shift Can Work for the Environment and the Economy." WRI, a leading advocate of tougher fuel-economy regulations on new cars, has never been known as a champion of market-based thinking. But this report, advocating as much as $150 billion in new taxes on everything from toxic emissions and pesticide use to road congestion, demonstrates a high degree of economic sophistication along with an ambitious policy agenda.

If price incentives replaced traditional command-and-control regulations, the study argues, the current $120-billion annual cost of complying with environmental laws "could be halved." Road tolls, long advocated by free-market thinkers, could dramatically cut the 1.5 billion hours lost annually in traffic gridlock. Pay-by-the-bag fees for household waste, instead of the usual flat charge for garbage disposal, would motivate people to consume less wasteful packaging and recycle without costly mandates. Taxing fossil fuels according to their carbon content would encourage alternative energy sources less likely to aggravate the greenhouse effect.

And best of all, "Shifting 10 to 15 percent of the nation's tax burden from 'goods' onto 'bads' could yield an annual economic dividend greater than one percent of the Gross Domestic Product." This sum, it points out, "is as large as the much-heralded peace dividend."

Other organizations also chimed in. In December, the National Commission on the Environment, a private group convened by the World Wildlife Fund, offered up its own blueprint for a "sustainable future," which argued that "sending the right economic signals—with prices reflecting environmental consequences—is the most efficient way to achieve economic protection." The commission—including Rivlin, now deputy budget director, and three prominent members of Clinton's transition team—said that higher gasoline and carbon

taxes could promote energy efficiency and put America "on an energy path consistent with sustainable development."

Not to be outdone, the Progressive Policy Institute—the think-tank arm of the centrist Democratic Leadership Council, which Clinton chaired from 1990 to 1991—made pollution taxes a prominent part of its much-heralded manifesto, *Mandate for Change*. Released in December, it declares, "The progressive challenge for environmentalists in the 1990s is to harness the power of markets, which can be more effective and far-reaching than centralized regulation." Government regulations, it asserts, often "hamper innovation in pollution control methods" and "ignore important differences among individuals, firms and markets." Pollution taxes, by contrast, "give firms and individuals direct and daily interest" in protecting the environment, offer maximum flexibility in how to achieve that goal, and can replace other, less efficient taxes.

Die-hard environmentalists aren't the only advocates of hefty pollution taxes. Independent economists have also promoted pollution taxes as an efficient means of increasing net social welfare. In one recent study, Charles Ballard and Steven Medema at Michigan State University modeled the effects of different kinds of taxes on the economy and found, as expected, that traditional levies on labor and capital income reduce total production of goods and services by penalizing hard work and investment. (Typical estimates in the literature range up to 30 or 40 cents in economic losses for every additional dollar in taxes raised.) Pollution taxes, they found to the contrary, can boost total output by making businesses and consumers factor true social costs into their decisions.

"All the usual taxes—payroll, income, and corporate—mess things up," says Ballard. "They make people make the wrong work choices and savings choices. A tax designed to attack pollution is the best of all possible worlds. You've raised the money necessary to finance the government and in so doing made the private economy work better."

While others talk theory, W. Kip Viscusi at Duke University has tried to estimate actual numbers for potential pollution taxes. In a recent study for the EPA, Viscusi and some colleagues took the agency's scientific findings on the health effects of various pollutants, from deadly particulates to toxic chemicals such as benzene, and used them to estimate the social costs of various fuels that emit those pollutants, using standard formulas for the dollar "value" of human lives, hospital stays, and the like. (They did not include more-controversial estimates, pushed by some environmentalists, of the values of "national security," unobscured views, wildlife, and pristine ecosystems.)

They found that existing taxes on coal, gasoline, natural gas, and other fuels bear little relation to official midpoint estimates of their full health costs. Natural gas is priced about six times higher than it should be; coal, on the other hand, ought to be taxed about 15 times more than it is. Fuel wood, a source of particulates when burned, deserves stiff taxes as well—even if it is a politically correct "renewable resource." Gasoline taxes turn out to be almost right on the money, contrary to the confident claims of Ross Perot–style deficit fighters and environmentalists who advocate socking it to drivers. Cumulatively, true social-cost pricing of all energy sources would raise about $150 billion in new tax revenues, or more than $1,500 per household, Viscusi calculates.

At the same time, he stresses that these "best" estimates could be way off. Although scientists have spent years studying the health and environmental effects of such conventional pollutants, "the uncertainties are enormous," Viscusi says. The low estimate of the harm caused by coal burning comes to 21 percent of its market price; the high estimate reaches 1,035 percent. "That's a pretty big spread," Viscusi says. "If the lower bound is right, we don't have to do anything. If the upper bound is right, we need to crank up taxes by a factor of 30."

This is not a minor issue, he concedes. Getting the numbers wrong on these relatively straightforward pollution taxes may "involve both enormous social costs and substantial regret as well."

A $100-PER-TON TAX ON CARBON EMISSIONS COULD COST THE COUNTRY 2 PERCENT OF GROSS DOMESTIC PRODUCT.

But Viscusi, unlike laissez-faire advocates, does not advocate abandoning the quest for pollution taxes. Instead, he says, these uncertainties argue for more and better research. "The existence of uncertainty per se shouldn't be a barrier to doing something," he says. "On the other hand, where we can resolve it quickly, there are potentially large gains from learning a lot quickly."

The importance of getting matters right is clear enough from Viscusi's $150-billion tax estimate. Carbon taxes, endorsed by Gore and many environmentalists, could be just as hefty. A $100-per-ton tax on carbon emissions, for example, would boost the cost of a barrel of oil 73 percent, hike the price of gasoline 20 cents a gal-

lon, and add 27 percent to electric bills, according to the Department of Energy—and by some estimates cost the country 2 percent of gross domestic product, equal to more than $100 billion a year in today's economy.

Unless phased in over many years, energy taxes of these magnitudes could drag the economy into recession or ignite runaway inflation, much as the oil price jumps of the 1970s did. "You are talking a walloping effect if you impose these taxes all at once," says Viscusi.

Whether the gain will outweigh the pain is still a matter of dispute, particularly with respect to carbon taxes. Even economists friendly to the idea question whether the promised free lunch will really materialize. Lawrence Goulder at Stanford University finds that carbon taxes are less efficient even than labor or capital taxes because they fall on a smaller portion of the economy and thus create greater distortions. "Recycling" the proceeds of carbon taxes by lowering marginal tax rates on labor and capital would mitigate, but not eliminate, the huge cost of this environmental charge.

Goulder explains: "I was hoping I would get a strong result for the carbon tax dividend—that there would be less growth distortion from a carbon tax than from the taxes it would displace. I didn't get that result. What it means is you need to invoke associated environmental benefits to justify a carbon tax."

Unfortunately, as Goulder also notes, those benefits are largely unknown. "We've pretty much ignored the benefits side of the ledger. That raises the question of how big a carbon tax we want. The uncertainties are much greater than on the cost side."

The uncertainties on the cost side are big enough. Estimates of the impact of a carbon tax range from a slight positive to a loss of 5 percent of GDP annually, depending on assumptions about the emissions goal, the size of the tax assumed necessary to achieve it, how the proceeds of the tax would be distributed, what the path of economic growth would be absent a tax, and to what extent energy and capital are substitutes.

And as Goulder indicates, the uncertainties on the benefits side are even greater. Consensus estimates as to the degree of global warming likely from a doubling of greenhouse gases vary 300 percent, with some scientists (such as MIT's Richard Lindzen) questioning whether climate feedback mechanisms will permit any significant warming at all. As the Intergovernmental Panel on Climate Change confessed in its 1990 report, "There are many uncertainties in our predictions, particularly with regard to the timing, magnitude and regional patterns of climate change..."

If the global effects are largely unknown, national ones are even more a matter of guesswork. Some local changes could be amenable to cheap remedies, others could be catastrophic. And, as Robert Balling Jr., director of the Office of Climatology at Arizona State University, observes, "There could be any number of benefits," including faster plant growth stimulated by more carbon dioxide and precipitation.

These are not trivial unknowns when it comes to designing carbon taxes. "We find that costs rise very rapidly (with higher tax levels), so it is imperative that policy makers carefully assess the benefits of carbon dioxide abatement before adopting a particular [emissions] target," write Harvard University's Dale Jorgenson and Peter Wilcoxen at the University of Texas.

Given the unknowns, some specialists question whether carbon taxes are an answer to either environmental or fiscal problems. "The range of speculations about potential damages from carbon emissions is far too wide to be useful in setting carbon taxes," says W. David Montgomery, author of a 1990 carbon-tax study for the Congressional Budget Office.

Carbon taxes have other unique problems. In an essay last year in the *American Economic Review*, Thomas Schelling, an economist at the University of Maryland and former president of the American Economic Association, notes that the costs of global warming will fall disproportionately on the poorer nations, whose economies are less flexible and more tied to agriculture than those of the developed world. They might not thank us for curbing our own growth and resources in the name of helping them, he argues. "[It] would be hard to make the case that the countries we now perceive as vulnerable would be better off 50 or 75 years from now if 10 or 20 trillions of dollars had been invested in carbon abatement rather than in [aiding their] economic development."

ECONOMISTS ALSO POINT OUT THAT A U.S. TAX ON CARBON WILL DO LITTLE OR NOTHING BY ITSELF TO CONTROL GLOBAL WARMING.

Economists also point out that a U.S. tax on carbon will do little or nothing by itself to control global warming. As the poorer nations grow, their rising output of greenhouse gases will swamp any self-restraint on the part of the United States. As Montgomery's 1990 report for the Congressional Budget Office said, "If the United States unilaterally imposed a charge of $100 per ton, it might delay the doubling of carbon dioxide concentrations by only a few years, while a charge of that amount imposed by all countries might buy almost two decades."

If some economists are skeptical, many fiscal conservatives and libertarians are downright hostile to pollution taxes as a Trojan Horse for bigger government. Given the overwhelmingly liberal origin of recent pollution-tax schemes, their fears may not be farfetched.

Ray Cordato, an economist at the Institute for Research on the Economics of Taxation in Washington, has warned that "political considerations, not economics, dictate the imposition of these taxes. The most likely outcome of levying a pollution tax is the same as that of any other tax. There will simply be a transfer of resource claims from the private to the public sector and a reduction in efficiency and economic growth."

The Competitive Enterprise Institute's Fred Smith argues that the notion of "social cost" embedded in pollution taxes abstracts from the fact that specific individuals bear specific costs and should be compensated for them through a system of enforceable property rights—not by government appropriation. Noting the failure of 1930s-era proposals for a "market socialism" that promised to combine the best features of government planning and the price system, Smith suggests that bureaucrats and politicians cannot make a pseudo-market for pollution succeed: "If it were so easy to make a utopian tax reform plan work, why is our tax code such an incredible mess? The dreams of planners are bastardized in the political process into that horrible thing we call legislation."

It is indeed hard to imagine how Congress would ever muster the will to pass a carbon tax that resembles an economist's efficient model more closely than Swiss cheese. The temptation to punch loopholes and special breaks in any measure would be overwhelming. One simulation by Raymond Kopp and Diane DeWitt at Resources for the Future found that a carbon tax of slightly more than $40 a ton would boost household electric bills $163 a year in the Pacific states but $266 a year in the West North Central states (the Dakotas, Nebraska, Kansas, Minnesota, Iowa, Missouri). Would Bob Dole and Richard Gephardt stand still for that?

Similarly, Jorgenson and Wilcoxen find that a tax big enough to cut carbon dioxide emissions 20 percent below 1990 levels would slash coal production in half over two decades, a blow that mining-state legislators would surely resist to the death. "[West Virginia's] Sen. [Robert] Byrd will never let us tax coal at the same rate we tax liquid fuels," asserts the University of Maryland's Schelling.

And yet, for all these objections, pollution taxes deserve a hearing among free-market advocates as a viable "second-best" strategy in the absence of some libertarians' utopia. You don't have to be a green zealot to concede that heavy smog impairs lungs and toxic compounds can kill people. Because individuals who are harmed often cannot pinpoint the specific emissions source causing the damage, and because some harms like cancer are "actuarial," so that the cause of any individual case cannot be traced with certainty, relying on the courts and tort law to protect private-property rights is problematic at best. Barring an intellectual or institutional breakthrough, some form of collective action is needed to control pollution. Once that premise is accepted, pollution taxes in principle are cheaper and more effective in most instances than command-and-control regulations.

The danger of getting tax rates wrong is real enough, but surely less than the staggering and mounting cost of getting traditional regulations wrong. The danger that pollution taxes will simply become another excuse for expanding the size of government is also real enough, but so is the promise of offsetting other, more noxious taxes. The public's enormous resistance to raising gasoline taxes is evidence that pollution levies cannot be imposed without some substantial "givebacks" in the form of tax relief.

Just as the most potent argument against pollution taxes is ultimately political, so too is the strongest argument in their favor: They bring environmental policy "out of the closet" by making explicit just how much environmental protection really costs the economy. "Americans have always been shielded from many of the very real trade-offs involved in establishing environmental goals, programs and standards," notes the Progressive Policy Institute's discussion in *Mandate for Change*. "Conventional regulatory approaches impose costs on industry that are not readily visible (but are partially passed on to consumers). Because neither policy makers nor citizens can see how much they are really paying for given levels of environmental protection, they have little basis for weighing relative risks or alternative policies that might yield more environmental quality for the same investment of public and private resources."

Like any social policy, pollution taxes must be done right. Given the political system's overwhelming predisposition toward "government failure," that may be wishful thinking. But killing the idea is hardly a superior alternative if it just means accepting the status quo by default.

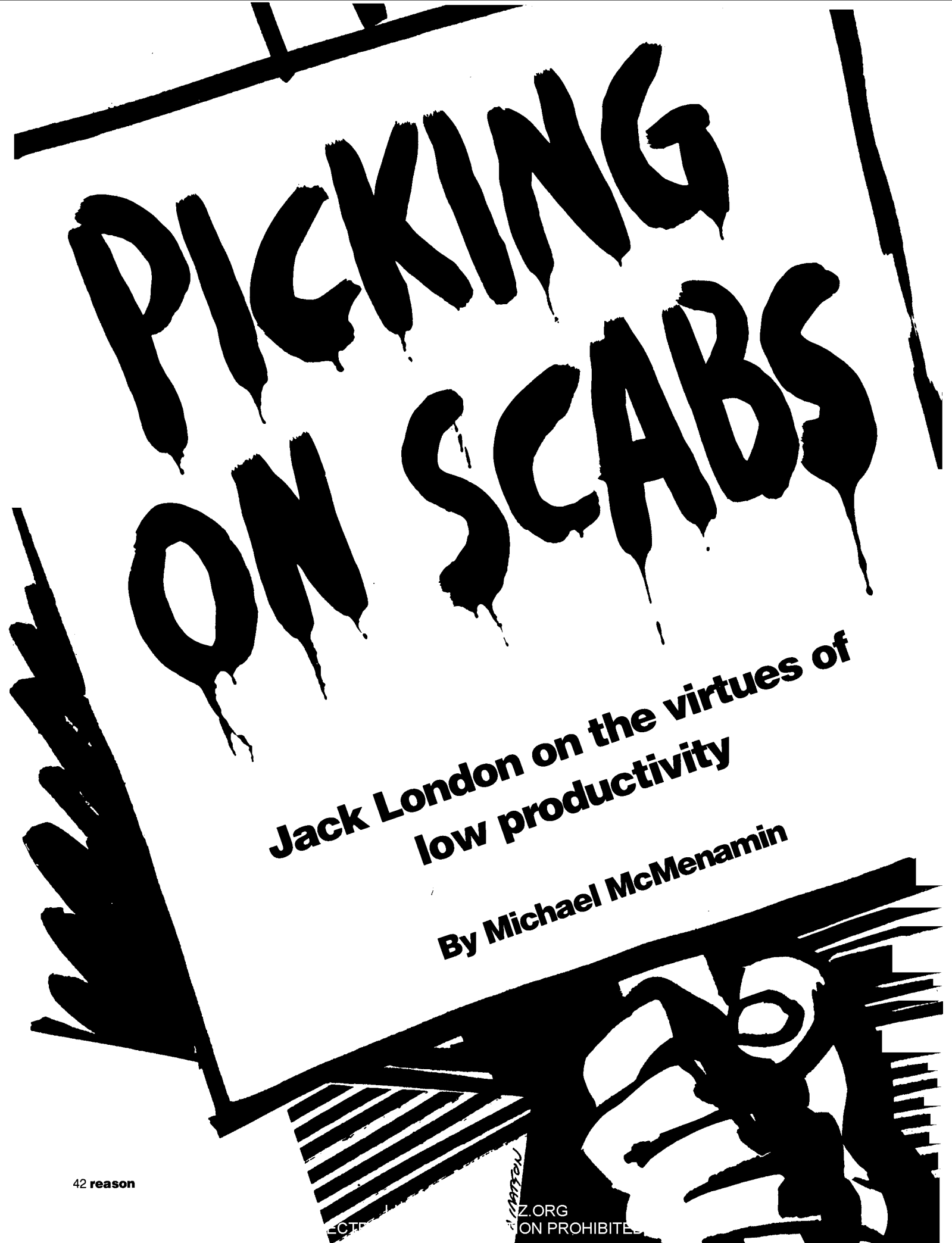
THE DANGER OF GETTING TAX RATES WRONG IS REAL BUT LESS THAN THE STAGGERING COST OF GETTING TRADITIONAL REGULATIONS WRONG.

Contributing Editor Jonathan Marshall is economics editor of the San Francisco Chronicle.

PICKING ON SCABS

Jack London on the virtues of low productivity

By Michael McMenamin



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ON PROHIBITE

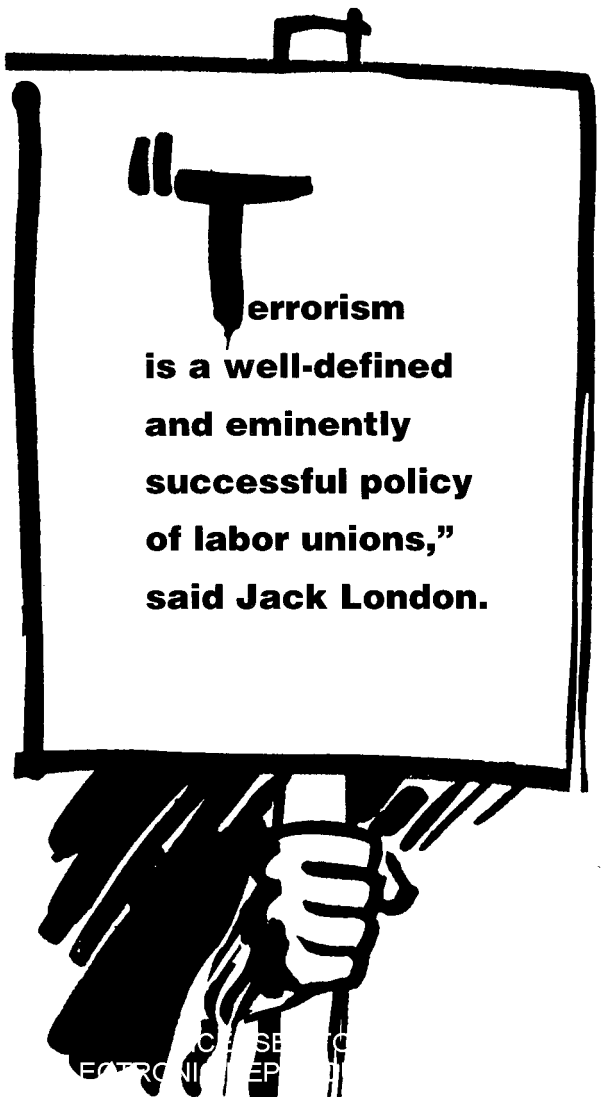
Jack London would have voted for Bill Clinton. The popular, turn-of-the-century American adventure writer was a dedicated socialist and a strong supporter of workers generally and the rights of trade unions specifically. Bill Clinton's campaign promise to sign legislation prohibiting American employers from engaging permanent replacements for their striking workers would have been more than enough to guarantee London's support.

The legislation has already been introduced in the new Congress by Rep. Bill Clay (D-Mo.). It will guarantee all employees who go on strike that once the strike is over (if their company survives), the federal government will compel their employer to hire them back, even if it means discharging the very replacement workers who enabled the company to survive.

The result, if not the purpose, of this legislation will be to reward the 11 percent of the private work force who belong to labor unions at the expense of the 89 percent who don't. Employers will lose the only effective economic weapon left to them in dealing with unions. There will be less-productive and fewer American manufacturing workers and fewer unionized American companies able to compete on a global basis. There will be more strikes as American companies vainly struggle to improve productivity and unions resist.

Supporters may claim the legislation doesn't ban *temporary* strike replacements, but temporary replacements will be few and far between. It is difficult enough now for companies to find skilled workers willing to cross a picket line even for a permanent job. That is why a federal study found that only 8 percent of struck employers hired permanent replacements and that only 4 percent of all striking employees were permanently replaced in the two years studied, 1985 and 1989. It will be impossible to find skilled workers without the promise of a permanent job, especially when they know before they are hired that they will face daily the threat and fact of picket-line violence.

Indeed, a law that forbids permanent strike replacements will make it open season on temporary strike replacements. Jack London explains why: "The will 'to live' of the scab recoils from the menace of broken bones and violent death. With all due respect to the labor leaders, who are not to be blamed for volubly asserting otherwise, terrorism is a well-defined and eminently successful policy of the labor unions. It has probably won them more strikes than all the rest of the weapons in their arsenal. This terrorism, however, must be clearly understood. It is directed solely against the scab, placing him in such fear for life and limb so as to drive him out of the contest."



ARTHUR MATSON

Unsurprisingly, London is something of an icon to organized labor, and what London wrote nearly 90 years ago in the February 1904 *Atlantic Monthly* about scabs and why unions oppose them is extraordinarily candid and highly relevant to the current situation faced by all unionized U.S. manufacturers who compete in the world market. Both Bill Clinton and his close friend, Robert Reich, the new labor secretary, would do well to study Jack London's essay "The Scab" before paying off their campaign debt to organized labor and blindly signing whatever strike-replacement legislation Congress sends down. As they will learn, the real reason for outlawing scabs is to lower worker productivity.

London openly admitted what today's labor leaders don't have the integrity to acknowledge. Here is his definition of a scab: "The sentimental connotation of 'scab' is as terrific as that of 'traitor' or 'Judas,' and a sentimental definition would be as deep and varied as the human heart. It is far easier to arrive at what may be called a technical definition, worded in commercial terms, as, for instance, that *a scab is one who gives more value for the same price than another.*" (Emphasis in the original.)

More value for the same price. That is what organized labor wants to outlaw, and it doesn't matter that only 8 percent of struck employers used permanent replacements. London makes it clear that it is the threat of using strike replacements that is harmful, because it compels union members who have jobs to become even more productive—to work harder. He wrote, "The laborer who gives more time or strength or skill for the same wage than another, or equal time or strength or skill for a less wage, is a scab. This generousness on his part is hurtful to his fellow-laborers, for it compels them to an equal generousness which is not to their liking, and which gives them less of food and shelter."

What everyone really wants, according to London, is to become less productive and to avoid working hard: "It is not nice to be a scab.

Not only is it not in good social taste and comradeship, but, from the standpoint of food and shelter, it is bad business policy. Nobody desires to scab, to give most for least. The ambition of every individual is quite the opposite, to give least for most."

Over the last 40 years, the American worker has not been moving in the direction of giving the least for most. *Fortune* magazine reports that gross domestic product per employed person increased from $25,000 to $45,000 during this period, while average annual manufacturing work hours per person stayed at 1,900. During the last 15 years, *Forbes* magazine reports, total manufacturing output increased by 26 percent, while factory employment declined by nearly 1.5 million jobs. Wages and benefits, adjusted for inflation, stayed level, while output per employee increased by 37 percent.

More production. Fewer people. The same hours. Lower cost. Greater productivity. So why aren't unions happy that American workers are doing so well?

Because unions are in a different business from the employers for whom their members work. Union revenue depends upon membership dues, and the loss of 1.5 million manufacturing jobs has been largely at the unions' expense. Union membership as a percentage of the private work force has declined from nearly 35 percent in the early 1950s to 11 percent today. The sharpest decline has come in the last 15 years.

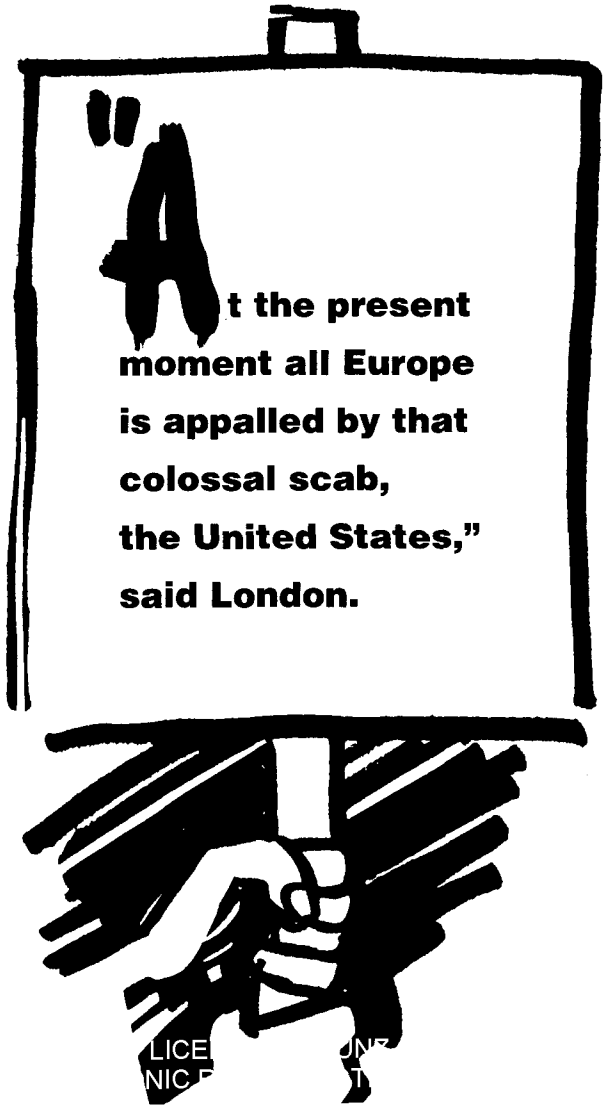
Despite gains in other nations, the American worker remains more productive than his foreign counterparts: Japanese workers are only 80 percent as productive as their American counterparts, and Germans are only 75 percent as productive. While unions and their supporters complain that America is being left with low-pay, low-skill jobs compared to our competitors, the opposite is true. Low-skill, low-pay assembly jobs may have gone to the Far East or to Mexico, but the U.S. manufacturing workers remaining are not only the most productive but are still among the best paid, in both absolute and relative terms.

While many European countries, including Germany, have higher absolute labor costs, the gap disappears when adjusted for purchasing power. And Japanese workers earn hourly compensation that is 93 percent of what U.S. workers make in absolute terms, a gap that grows much wider when adjusted for purchasing power.

This productivity accounts, in part, for the fact that U.S. exports have doubled in the last six years, to nearly $450 billion, and represent 20 percent of U.S. industrial output, adding over 1.5 million jobs from 1989 to 1991. In 1991, the U.S. was the world's largest exporter, with Germany and Japan in second and third place.

None of this would be news to Jack London, because the same thing was true in 1904. London thought it was a problem then, and he would consider it a problem today. Americans are too damned productive compared to foreigners. Or, as London phrased it, "At the present moment all Europe is appalled by that colossal scab, the United States." London wanted American productivity cut and scabs stopped.

It didn't matter to him that American wages in 1904 were *10 times* higher than English wages; the Americans still worked too hard: "The Union laborers of the United States have nothing of which to boast while, according to their trade union ethics, they have a great deal of which to be ashamed....It is upon his brother laborers overseas that the American laborer most outrageously scabs....An English nail-maker gets $3 per week, while an American nail-maker gets $30. But the English worker turns out 200 pounds of nails per week, while the American turns out 5500 pounds. If he were as 'fair' as his English brother, other things being equal, he would be receiving, at the English worker's rate of pay, $82.50. As it is, he is scabbing upon his English brother to the tune of $79.50 per week. Dr. Schultze-Gaevernitz has shown that a German weaver produces 466 yards of cotton a week at a cost of .303 per yard, while an American weaver produces 1200 yards at a cost of .02 per yard."



No labor leaders complained in 1904 of cheap foreign labor taking American jobs because, even then, productivity involved much more than workers' wages. London acknowledged this as well and actually criticized American workers' "superior energy, skill and willingness."

He wrote, "It may be objected, a great part of this [superior productivity of American workers] is due to the more improved American machinery. Very true, but nonetheless a great part is still due to the superior energy, skill, and willingness of the Ameri-

can laborer. The English laborer is faithful to the policy of ['go easy']. He refuses point blank to get the work out of a machine that the New World scab gets out of a machine....Nor will the British workman run machines at as high speed as the American, nor will he run so many. An American workman will give equal attention simultaneously to three, four, or six machines or tools, while the British workman is compelled by his trade union to limit his attention to one, so that employment may be given to half a dozen men." Consider that in 1990 German manufacturing workers put in only 1,566 hours a year while Americans averaged 1,937, and you can see not much has changed in 90 years.

Secretary of Labor Robert Reich argued in his 1991 book *The Work of Nations: Preparing Ourselves For 21st-Century Capitalism*: "The economic well-being of Americans...no longer depends on the profitability of the corporations they own, or on the prowess of their industries, but on the value they add to the global economy through their skills and insights. Increasingly, it is the jobs that Americans do, rather than the success of abstract entities like corporations, industries, or national economies, that determine their standard of living."

Reich may well be correct. If he is, it is difficult to see how denying employers the right to use—or more importantly, threaten to use—permanent replacements will improve the skill level of American workers. In the short term, banning strike replacements will help unions inhibit productivity increases in what Reich calls "routine production jobs."

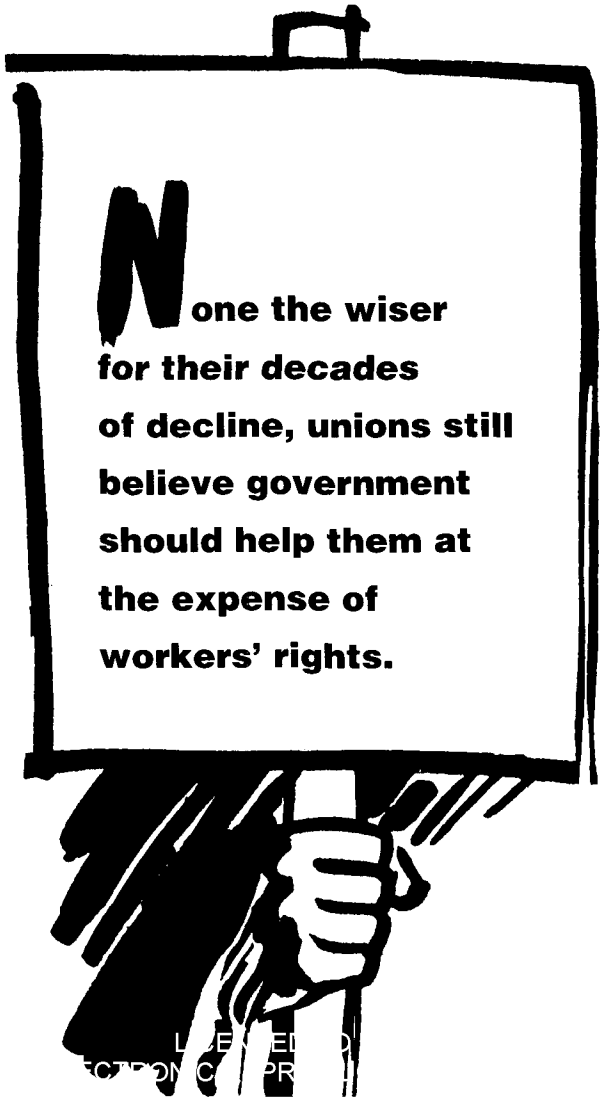
And when this happens, the same unions inevitably will accelerate their push to, as Reich says, "impose tariffs, quotas, and other, less visible forces of trade protection upon the American market" in order to save these jobs. In the long run, Reich believes that protectionism for American industry "can be expected to disappear" because organized labor will be left on its own to argue for protection and that "Labor's voice, steadily quieting as the number of routine producers in America dwindled, [will] be no match for the voices on the other side, growing ever louder and more convincing."

But companies and their employees must survive and prosper in the short run as well, and if Reich's concern is for American workers—not their companies or unions—why support legislation whose primary purpose, as Jack London forcefully argues, is to allow union workers "to give less for more"—to become less productive? Compelling U.S. employers to set aside 1.5 percent of their payroll for worker training—another Clinton campaign pledge—sounds fine but is no substitute for employers encouraged or compelled by competition to increase their workers' skills.

One compromise, sure to be advanced in Congress by business interests, would be to prohibit the hiring of permanent strike replacements unless a company could prove that doing so was a matter of business necessity. Typically, this would mean a company would have to prove that it was unable to find a sufficient number of skilled employees willing to temporarily keep the jobs of strikers warm for them. Unions will oppose such compromise legislation. They smell victory, and they want employers defenseless. They have learned nothing from the last 40 years of union decline. They are caught in a 1930s time warp where the role of government is to help unions at the expense of worker and employer rights.

Reich says that the fundamental difficulty in improving "the plight of America's globally vulnerable citizens" is not in imagining or implementing solutions. "The greatest challenge," says Reich, "comes in summoning the political determination" to embark upon these solutions. Whenever a Democrat talks about "political determination," he usually means new spending programs or tax increases, or both.

Reich does want to spend money and raise taxes, but even he concedes that money is not the whole solution. Unfortunately, taking away the ability of unionized companies to hire workers who are willing to give "more value for the same price" in order to protect the jobs of union members who want to give "the least for the most" is no solution either. Rather, it is a blatant effort by a small minority to enlist the government's help in driving out of unionized companies what London called "the superior energy, skill and willingness of the American laborer." Jack London would be happy, and Bill Clinton would be keeping at least one political promise, but returning to the 1930s is no way to be "preparing ourselves for 21st-century capitalism." ■


None the wiser for their decades of decline, unions still believe government should help them at the expense of workers' rights.

ARTHUR MATSON

Contributing Editor Michael McMenamin is a lawyer with the Cleveland-land-based firm of Walter, Haverfield, Buescher & Chockley.

DEATH BY PRESCRIPTION

BY THOMAS SZASZ

In November, a "right to die" proposition in California was defeated by a narrow margin. Washington voters rejected a similar bill last year. In other countries too (especially Holland), many people support the idea to which this phrase alludes. But there is something fundamentally wrong with the notion that we have "a right to die" and hence with everything based on that notion.

Right, a political concept, refers to the relationship of the individual to the state. *Death*, a biological concept, refers to a property that is inherent in, and the final destiny of, all complex living things. Since death is a fact of nature, like the setting of the sun, it is foolish to speak of a "right to die." Today, the phrase usually functions as a euphemism for "physician-assisted suicide"—or, in plain English, granting doctors the right to kill patients.

Having a right to kill, under certain circumstances, may be deemed either morally good or morally bad. But killing, even if it is legally permissible, cannot be morally neutral, as the controversy about abortion illustrates. Furthermore, like any moral agent who commits an act, a person who kills (himself or others) may be considered competent or incompetent. In a society based on Anglo-American principles of political liberty and personal responsibility, every adult is presumed to be competent until proven incompetent, just as he is presumed to be innocent until proven guilty. And like innocence, incompetence is a legal concept that must be based on a judicial determination.

Potentially, everyone can kill others or himself (or both). There are certain well-defined instances in which a person has the legal right to kill another—for example, the enemy in war, a criminal condemned to death, an aggressor in self-defense (when no other option would avail), a fetus during the first trimester of pregnancy. Paradoxically, the right to kill oneself is a murkier matter. Although suicide is no longer a criminal offense, most people find the idea of a "right to kill oneself" offensive, or at least distasteful. One reason for this is that the Judeo-Christian ethic condemns suicide. For centuries, it was treated as both a sin (an offense against God) and a crime (an offense against the sovereign), with harsh punishments visited on both the corpse and the family of the "offender."

Suicide is now considered to be the cardinal symptom, and the preventable result, of a treatable mental illness called "clinical depression." The medical view of suicide rests on an analogy with a disease, such as acute appendicitis, that if left untreated results in death but if properly treated does not. An inflamed appendix has a disposition to rupture, an outcome likely to be fatal (in the days before antibiotics, it always was). Timely removal of the inflamed appendix saves the patient's life. Similarly, depression is a disease that makes the patient disposed to try to take his own life, an "outcome" (what we call it is crucial) that may be fatal. Timely treatment of the depression saves the patient's life.

This analogy is persuasive to the extent that we accept the supposed similarities between the inflammation of a vestigial part of the intestine and the intention of a decision-making individual and ignore the differences between depriving a voluntary patient of his appendix and an involuntary nonpatient of his liberty. Regardless of the absurdity of viewing suicide as a disease (with a fatal outcome) rather than as a decision (one we may deem "irrational"), however, the fact remains that most people seem more terrified of the human potential for suicide than of the human potential for murder. As a result, although suicide is not illegal, a person diagnosed as "suicidal" may legally be deprived of liberty by confinement in a mental hospital.

In short, we entertain two mutually incompatible views of suicide. One is political: The decision to end one's life is an integral part of our fundamental right to control our fate. The other is medical: The decision to end one's life is a symptom of a mental disease, justifying coercive psychiatric intervention. Instead of confronting the conflict between these two views, we prefer to expand our repertoire of medical procedures, adding to it the acts of doctors "assisting" patients who want to kill themselves (and also those of doctors killing patients at their request).

Let us assume that the suicidal person is physically capable of swallowing a handful of pills. Why does such a person need a doctor to kill him or to help him kill himself—any more than he needs a doctor to give him a drink? One reason

DAVID EGGERS

might be that he finds the task of killing himself distasteful or does not want to take responsibility for the act. Another is that the trade in the necessary instrument—in this case, the drug—is illegal. Hence we wish to grant physicians the privilege to prescribe, for psychiatrically approved patients, the drug useful for committing suicide.

Thus, the citizen needs the doctor not so much to kill him as to give him legal access to an otherwise illegal product. In an article offering "proposed clinical criteria for physician-assisted suicide," published last year in *The New England Journal of Medicine*, Rochester, New York, physician Timothy E. Quill and two colleagues write: "For a physician, assisting with suicide entails making a means of suicide (such as a prescription of barbiturates) available to a patient who is otherwise physically capable of suicide." This is reminiscent of Prohibition, when doctors were in the habit of prescribing whiskey.

Policy makers in Western societies say they are struggling to contain medical costs. Yet they endorse the medicalization of one of mankind's most basic moral choices, the choice to end one's life. Typically, physicians classify a person who wants to kill himself (or who they think wants to kill himself) as mentally ill, define his decision as a symptom of mental illness, and justify the use of psychiatric incarceration and coercive drugging as treatments. When physicians deem a person to be suffering from an incurable illness and intense pain, however, they define physician-assisted suicide, in the words of Quill et al., as an "extraordinary and irreversible treatment."

Preventing suicide is psychiatric treatment. Facilitating suicide is medical treatment. Viewing suicide as a moral choice, and the physician's participation in it as medical meddling, is professional heresy.

Contributing Editor Thomas Szasz is professor of psychiatry emeritus at the SUNY Health Science Center in Syracuse. He is the author, most recently, of Our Right to Drugs: The Case for a Free Market *(Praeger).*

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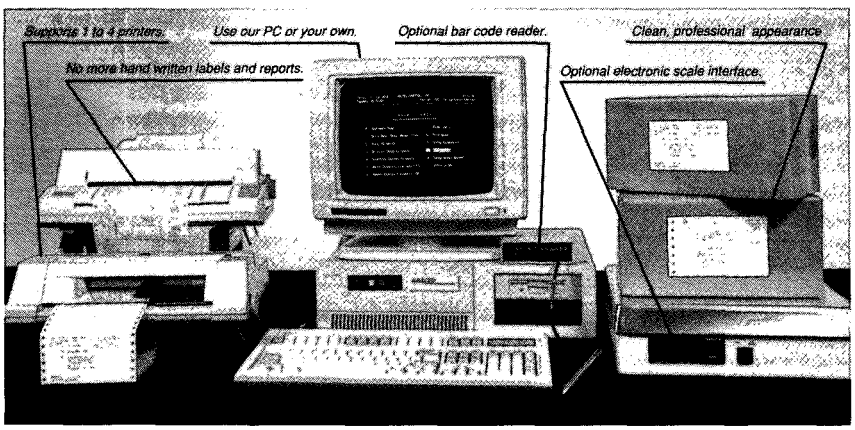
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FARM FOSSIL

BY KARL ZINSMEISTER

Not long ago, scientists discovered a giant fungus in Michigan that extends underground for many miles. It is apparently one of the oldest organisms on the planet, and possibly the largest. Americans were properly amazed.

Though it hasn't attracted much media attention, an equally unlikely relic—not as ancient but even more overgrown—exists today entirely above ground and in plain sight. This amazing organism is rooted in Washington, D.C., but has branches in almost every single county in the United States. It is not a fungus; it is more like a fossil. Its scientific name is the U.S. Department of Agriculture.

Farming has changed dramatically in recent decades, but the Department of Agriculture plods along in the same rut.

LYNN DYKSTRA

To trace the growth of this entity, let's transport ourselves back to 1933. Prohibition still reigns. There is no Social Security Act. Stalin rules the Soviet Union and Hitler has just become the German chancellor. Margaret Mitchell is working on a manuscript she will publish under the title *Gone with the Wind*, and talking pictures have recently caught on. The Empire State Building has been open for two years.

Emergency measures, including production controls and price supports, are being imposed on the U.S. economy by new government agencies with titles like the NRA and the PWA. One-quarter of the nation's population still lives on farms, and Henry Wallace (who will run for president in 1948 on a platform of major social reform and friendship with Stalin's Russia) is setting up a radical new system of state-managed production in the agricultural sector. The New Deal farm programs are without precedent in the economic history of this country, and they produce constitutional as well as economic and political opposition.

Now fast forward to the early 1990s. The NRA and PWA have disappeared without a trace. The Works Progress Administration and Civilian Conservation Corp are long gone. And the agricultural sector has shrunk from a quarter of our population to just 2 percent.

Henry Wallace's U.S. Department of Agriculture, however, has changed remarkably little. The cropping and marketing controls are still in place. Prices are still set in government offices located on Independence Avenue in D.C. The bureaucracy is continuing to push a bulk-commodities production strategy even though global trade has long since shifted toward consumer-oriented and processed goods. "The department's structure and management practices have remained largely unchanged since the 1930s," concludes a 1991 study by the U.S. General Accounting Office.

Now that the GATT talkers have wandered miles from the original Reagan administration goal of free and unsubsidized international trade in agriculture (special credit to the French and Japanese farm-welfare queens for breaking up this rare chance to unsnare 60 years of worldwide bungling), here is one confident prediction about the Clinton administration: Agriculture Secretary Mike Espy, the Rhodes gang, and the Changemeister himself will achieve relatively little change in the federal agricultural apparatus.

Everyone knows that bureaucracies, especially bureaucracies that give away money, have a tendency to stay in place no matter what. And this one is really special. Reformers have been ricocheting uselessly off of U.S. farm programs under 11 different presidents now. Chances that the Clintonites—with their enthusiasm for industrial policies, national planning, environmentalist orchestration, and protection of industries "important to national security"—will be the ones to turn off the farm-regulation-and-subsidy tap would seem to be slim.

Interestingly enough, the private economic terrain that is overbossed by the Department of Agriculture has been utterly transformed in recent decades—changing more than almost any other major industry. The department, however, plods along in the same familiar rut. The major change in the department over the last 60 years is simply that it has gotten much bigger. It hasn't given up much of anything it used to do, but "USDA has added agencies and functions over time, making it larger," says the GAO.

The result: Big chunks within our agriculture department are now superfluous. There are hundreds of missions that ought to be dropped altogether. There are a thousand or more field offices that outside observers agree should be closed. (Unfortunately, Espy has suspended the Bush administration's plans to close 1,200 offices.) There are myriad responsibilities that could be spun off to the private sector.

If there are any incoming congressional freshmen out there looking for useful work, here's a tip: The number of persons working on farms in this country fell 70 percent from 1950 to 1990. By rights, the ranks of federal agriculture department overseers should have fallen too. Instead, USDA staffing *rose* 53 percent. Would somebody please do something?

One reason the USDA is bulging even as its clientele is disappearing is that the department is being transformed into a multi-purpose agency of intervention, the way many Washington offices are these days: It's taking on new regulation-policing duties (inspecting occupational conditions and consumer products, enforcing a fast-growing list of environmental rules), plus ever-wider social-welfare responsibilities (disbursing food stamps, WIC subsidies to mothers, free meals to senior citizens and schoolchildren), while also serving as a handy porkbarrel conduit (through its management of "disaster relief" payments, Forest Service contracts, the credit slush funds of the Farmers Home Administration, and some research and extension services).

But even in its traditional farm programs, the USDA bureaucracy is continuing to grow in improbable ways. The number of full-time employees at the front-line agency that administers the big farm subsidies (the so-called ASCS, or Agricultural Stabilization and Conservation Service) increased by 24 percent from 1980 to 1990, despite the fact that the U.S. farm population *fell* by 24 percent over those same years. In all, the agriculture department now has one bureaucrat for every six full-time farmers.

The latest revelation to catch the attention of the small body of legislators working against USDA pork is the fact that the four agencies in charge of our major farm programs maintain a total of 11,042 different field offices across the country, requiring more than 63,000 person years and several billion dollars annually just in staffing expenses.

Our farm-support apparatus has offices in almost every one of the 3,150 U.S. counties at present, and in many cities too. "These elaborate field organizations," comments the GAO, "are primarily creations of the 1930s New Deal legislation, particularly of the philosophy that the federal government has a responsibility for the economy's performance." Almost 90 percent of the 127,000 persons who work full-time for the USDA, plus many part-time employees as well, micromanage from these local offices.

Certainly there is appeal in decentralization—in moving bureaucrats out closer to the people—and back in 1950 when 63 percent of all U.S. counties classified as farm counties a set-up like this may have made some sense. But today, when only 15 percent of all jurisdictions count as farm counties, this enormous field apparatus—which is one of the largest and most expensive in the entire federal government—is ludicrously wasteful.

Do 85 percent of our counties really need a branch of the bureau that makes crop-subsidy payments? Do 85 percent need an office of the Soil Conservation Service? Do 60 percent of our counties need a subsidized lending office of the Farmers Home Administration? When last calculated five fiscal years ago, the costs of keeping this administrative empire in place amounted to $1,100 for every farm in the nation (using the USDA's broad definition of a farm as any place having $1,000 or more of agricultural sales).

GAO investigators found that scores of local USDA branches actually spend more on overhead than they give out in program benefits. They calculated that 856 different ASCS county offices spent a total of $110 million in fiscal year 1989 in order to distribute $586 million in benefits—an average of 19 cents eaten up by bureaucratic expense for each dollar handed over to farmers.

They found that nearly all the farm program offices in New England are too inefficient to justify being kept open, as are three-quarters of the offices in North Carolina and Nevada, 90 percent of those in Virginia and West Virginia, two-thirds of those in Tennessee, Kentucky, and New Mexico, and so on. Consolidating these bureaus would net a quick, cool

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$100 million in reduced costs. Of course, the department is resisting the GAO hint.

And then there is the problem of these unpatronized bureaus creating work for themselves by dreaming up new places to channel public funds. The wealthiest county in the wealthiest state in the union—Fairfield, in Connecticut—has a USDA ASCS office that is desperate to give away money. Last year, not one county farmer enrolled land in a government crop-subsidy program, and county Executive Director Nancy Welsh is concerned lest Congress should close her office and consolidate it with some regional one nearby. "My personal goal is to sign up one farmer for the corn program," she recently told *The Wall Street Journal.*

Welsh also hopes to convince a few sheep farmers to enroll in the wool-subsidy program (which Congress set up to avoid a dangerous shortage of wool for military uniforms) and is trying to locate clients willing to have ASCS foot 75 percent of the bill for soil conservation and tree-thinning projects. "I see myself as a PR person," she relates. She did find one creative use for USDA funds last year: a $3,500 grant to the local horse-jumping club (where annual membership costs $20,000) to help defray one-quarter of the cost of a manure-loading dock.

There is no question that the USDA does lots of useful work—for instance, in its inspection services, much of its research and extension work, and some of its conservation efforts. But the agency also carries out lots of destructive market manipulation and is responsible for more regulatory intrusion every day. The department now has the third-largest civilian-agency budget in the federal government, and giant swatches of bureaus could be eliminated or spun off to private-sector providers to the benefit of taxpayers and agriculturalists alike.

Crops should be protected against natural disaster, for instance, via private insurance, not through ham-handed emergency appropriations by the secretary of agriculture or Congress. Likewise, the Farmers Home Administration's practice of forcing subsidized credit into hands that private lenders have turned down as bad risks is insane. There is almost nothing positive to be shown for this effort, and lots of competition distortions and lost money to argue for stopping it altogether.

Much agricultural research and extension could also be done on a more market-oriented basis, in the same way that technical progress is made in the joint corporate-academic research parks that surround many major universities today. Or, for a final example, forest management currently carried out clumsily by the Forest Service at a multibillion-dollar cost could be transferred instead to private corporations, without reducing recreational and other uses of the land.

You'd never know from the popular farms-programs-or-bust rhetoric that only a minority of farmers receives subsidies today. Most farmers don't need the kind of help the state offers.

Certainly most of the Agricultural Stabilization and Conservation Service, a central-planning relic that is not only outmoded but actually offensive in an era of educated producers and free markets, ought to be wiped out, along with the massive commodity-brokering agencies and producer cartels run by the feds to make their price-setting schemes work. To avoid sharp disruptions that would hurt farmers, crop subsidies and price-fixing mechanisms should be eliminated gradually—say over 10 years—and encouragement should be offered for more crop brokering, hedging, and price-stabilizing systems run by farmers themselves and other private entities.

Lots of private risk-spreading mechanisms already exist. Though you'd never know it from the popular farm-programs-or-bust rhetoric, only a minority of American agriculture is currently subsidized. Most sectors operate quite happily without benefit of government aid.

Many successful farmers now subscribe to electronic services that give them immediate information on prices, forecasts, foreign economic trends, and other factors that affect their business. They have access to private insurance schemes that didn't used to exist. Many have installed controlled-irrigation systems, indoor production facilities, and other equipment that reduce their vulnerability to the fates. I get lots of mailings these days from private companies that provide farmers with sophisticated software packages to monitor the milk output of their cows, or keep track of all fertilizer and pesticide use via tractor-mounted computers and receivers linked to the same Global Positioning System satellites that the Pentagon uses to send Tomahawk missiles down air vents. Farming today is not the miserable crapshoot most Americans imagine.

And most farmers don't need the kind of help the USDA offers. Is there any possible justification for the fact that, in 1993 America, the price of milk is set by government employees working from an equation and set of rules that takes up three full volumes of the *Code of Federal Regulations*? Only one: This is the way things have been done for decades, and government agencies never make changes unless they have to.

As the GAO auditors put it delicately after their investigation of the agriculture department, "public organizations, whose funds derive from appropriations, do not have an objective indicator like sales or profits to compare resources used with results achieved....USDA agencies do not worry about competitors forcing them to downsize, close, or be taken over like the private sector." But legislators—and citizens—ought to.

Contributing Editor Karl Zinsmeister is an Ithaca, New York, writer and an adjunct scholar with the American Enterprise Institute. His REASON *series on farm policy received the 1990 Oscar in Agriculture for excellence in agricultural reporting.*

It's time...

Many attempts have been made to start free countries over the past few decades but I ignored them because I didn't think it was time to start a new country. I thought that all the U.S. needed was a little reform. Boy, was I wrong.

I just wasted a lot of time and a whole lot of money learning the hard way that elections in the U.S. are not open and fair. Elections in major cities are fixed regularly and on a large scale. This problem has existed for decades and it's not getting better. Even worse, the world is following the collectivist example of the U.S. Across the planet, privacy is being destroyed and regulations are multiplying like rabbits in heat.

Examples: Andorra, formally the "ultimate tax-free paradise" has signed a trade accord with the European Community which will force Andorra to impose the first significant taxes this virtually tax-free nation has imposed since it was founded in 1278... Switzerland recently ended its practice of allowing numbered bank accounts... Beginning Jan 1, 1993 anyone wanting to deposit more than ECU 15,000 ($17,250) in the bank of a member country of the EC will have to identify himself and the source of his money to the bank's officials... Japan imposed its first capital gains tax in history, causing a 50% drop in its stock market... Austria will join the EC in 1995 which will end its bank secrecy laws... Costa Rica has ended its pensioñado program. Retroactively.

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TO TELL THE TRUTH

BY DURK PEARSON AND SANDY SHAW

Critics of the Food and Drug Administration have long noted that people die while awaiting government approval for medicine that might save their lives. In recent years AIDS activists in particular have insisted that the FDA take this cost into account when reviewing a drug for safety and efficacy. But another FDA policy that results in many deaths—censorship of information about legal products—is less widely recognized.

The FDA prohibits unapproved health claims about the products it regulates, including foods, nutrients, prescription drugs, over-the-counter drugs, and medical devices. Instead of disseminating important health information, the agency actively suppresses it, causing hundreds of thousands of premature deaths every year.

For example, more than a dozen clinical trials since the late '40s have shown that low-dose aspirin can significantly reduce the risk of heart attack. The most definitive evidence comes from the government-funded Physicians' Health Study, conducted by scientists at Harvard University. More than 22,000 physicians took either low-dose aspirin (one tablet every other day) or a placebo over a period of about five years. In 1989 the researchers reported that the incidence of first heart attacks among men over 50 was 44 percent lower in the aspirin group than in the control group. The study, originally planned for 10 years, was cut short by its overseeing committee, which deemed it unethical not to give subjects in the control group the opportunity to take aspirin.

These results are widely accepted among doctors and scientists. Even so, the FDA has specifically prohibited aspirin companies from mentioning this study in their advertising because prevention of first heart attacks is not an FDA-approved claim. Yet no pharmaceutical company is going to undergo the huge expense of obtaining FDA approval for a health claim about an unpatentable substance (aspirin was introduced in 1899). Each year in the United States, some 500,000 people die of heart attacks. About 40 percent of those deaths are sudden and unexpected; those people do not know they have cardiovascular disease. Surveys indicate that most people at risk of heart attack, especially those not under the regular care of a physician, are not taking preventive aspirin.

The benefit of taking aspirin if you're at risk of a heart attack is just one of many pieces of health information the FDA refuses to allow drug companies to share with their customers.

Similarly, the FDA does not permit a health claim on foods or nutrient supplements that "folic acid can reduce the risk of neural-tube defects, such as spina bifida." Yet this is a widely held scientific view. In September the U.S. Public Health Service (the agency that oversees the FDA) began to recommend that all women of childbearing age take 400 micrograms of folic acid daily, about twice what most American women get in their diets (mostly from green vegetables). Godfrey Oakley, head of the division on birth defects and developmental disabilities at the U.S. Centers for Disease Control, says of folic-acid protection: "You work all your professional career for something like this." The British National Health Service has been recommending folic acid to women of childbearing age for a few years and even supplies them with the nutrient.

Neural-tube defects are the number-one reason for induced abortions in women who want to have children. Some 2,500 babies are born every year in the United States with such defects, and unknown thousands of others are aborted. Yet the FDA seizes as "mislabeled" any folic-acid supplements bearing the claim that the nutrient can help prevent this problem.

In defense of the agency's position following the Public Health Service announcement, FDA Commissioner David Kessler noted that folic acid can mask the symptoms of a vitamin B-12 deficiency, which if untreated can lead to serious consequences. But folic acid itself has low toxicity, and the possible anemia problem can be avoided by adding small and safe amounts of vitamin B-12 to any folic-acid supplement or folic-acid-fortified food. (This will eliminate the possibility of pernicious anemia in all except a small fraction of individuals, mostly elderly, who do not have enough "intrinsic factor" in their gastrointestinal tracts to absorb vitamin B-12.)

The FDA also censors claims based on the extensive scientific evidence that certain nutrients—most notably, the antioxidant nutrients C, E, and beta carotene—help prevent disease, including cardiovascular problems and cancer. For example, a recently published epidemiological study by UCLA scientists looked at 11,000 subjects over a 10-year period. The men who got about 800 milligrams of vitamin C a day (mostly from supplements) lived six years longer, on average, than men who received only the "recommended daily allowance" of vitamin C from food. (The RDA of vitamin C, set at the level that prevents scurvy in most people, is 60 mg.) Mortality among the men getting 800 mg of vitamin C a day was 30 percent lower than among men getting 50 mg or so in their diets. The women who got the high dose of vitamin C lived a year longer, on average, than those who received average amounts of vitamin C.

These lifespan increases were largely due to reductions in mortality from cardiovascular disease. The researchers concluded: "The inverse relation of total mortality to vitamin C intake is stronger and more consistent in this population than the relation of total mortality to serum cholesterol and dietary fat intake, two variables on which strong public health guidelines have been issued over the years." The study was published in the May 1992 issue of *Epidemiology*, a highly respected, peer-reviewed scientific journal.

Despite this and many other vitamin C studies demonstrating health benefits from amounts higher than the RDA, the FDA permits no health claims for vitamin C other than prevention of scurvy. Indeed, with few exceptions, the agency considers any health claims for nutrients to be mislabeling, justifying seizure of the product.

The FDA is thus obstructing a major means of controlling health-care costs: reducing the incidence of costly medical conditions, especially cardiovascular disease and cancer, through the use of preventive measures such as taking low-dose aspirin or antioxidant vitamins.

Fortunately, the FDA's control of information about health products is not as strong as it once was. Biomedical information is becoming widely available to the public through a variety of sources, including better press coverage of health issues and direct access to scientific journals and data bases. Although Kessler wants the FDA to be the "sole authority on health and nutrition information," the agency can no longer act as if it has a monopoly on the truth. The FDA is dealing with a public that is much better informed than ever before, and its claims of exclusive information or expertise are no longer credible.

If the FDA wants to regain its credibility, it should provide information rather than restricting it. One way to do this is a split-label system, which we first suggested in 1982. Under this proposal, the government would permit truthful health claims about FDA-regulated products, but manufacturers making a claim not approved by the FDA would have to include a prominent statement to that effect on their labels. The product could bear an easily recognizable symbol, such as the letters *FDA* in a circle with a slash through it, to alert consumers. The manufacturer would provide equal space on its label or literature for the FDA to say whatever it wishes. Both the manufacturer and the FDA could cite research (which nutrient companies are not permitted to do now) and any other information they deemed appropriate.

Consumers who wanted to make health choices based entirely on the FDA's advice would be free to do so; in fact, through the split-label approach, the FDA's advice on nutrients, right or wrong, would reach far more people than it does now. Consumers would thereby be warned that they, not the government, are responsible for choosing information sources and making their own decisions. The FDA would not be able to get away with providing false, misleading, and sometimes harmful advice that is out of touch with scientific findings.

Restrictions on advertising should also be lifted. The Federal Trade Commission is legally empowered to regulate advertising claims, while the FDA has legal authority to regulate only label content. But under the "extension of labeling" doctrine, the FDA deems any advertising literature, even (under some circumstances) books written by authors with no connection to the regulated product, to be a part of the label and thus within the agency's purview. The FDA therefore regulates advertising by the food, nutrient, drug, and medical-device industries.

The FTC has a fairly good record of allowing claims when consumers have reasonable ability to judge the results (for example, a claim that a product grows hair on bald heads), where the product appears to be reasonably safe in the intended usage, and where the product has a money-back guarantee. The FDA, in contrast, has a poor record of allowing truthful health claims, and the agency's approval, if you can get it, is generally extremely expensive, thus increasing the costs of health-enhancing products. We propose that the "extension of labeling" doctrine be renounced, leaving the FTC to regulate health claims in advertising.

Companies accused of making fraudulent claims should be allowed to defend themselves before a jury in federal court, where they would have the right to be represented by an attorney, to call witnesses, and to cross-examine government witnesses. Under the current administrative process, those accused of false health claims appear in an FDA "court," where the agency is judge, jury, and executioner. Defenders of the current policy might argue that using the federal courts to regulate fraudulent health claims is slow and expensive. But as we have seen, the current system, which allows the FDA to ban health claims by decree, entails far greater costs, in terms of both money and preventable disability and death.

Far from moving toward more openness, the FDA has announced its intention to ban or regulate out of existence most nutrient supplements and herb formulations. Fortunately, members of Congress have responded to this threat. Last year Sen. Orrin Hatch (R-Utah) introduced the Health Freedom Act of 1992, and Rep. Elton Gallegly (R-Calif.) introduced a similar measure in the House. These bills would prohibit the FDA from arbitrarily regulating or banning the sale of nutrient supplements. The Hatch bill would also allow health claims for which there is significant scientific evidence (not necessarily a scientific consensus as defined by the FDA) and would permit nutrient-supplement companies to challenge the FDA's ban of a health claim in federal court.

Congress should heed the warning of Nobel laureate Milton Friedman: "The FDA has already done enormous harm to the health of the American public by greatly increasing the costs of pharmaceutical research, thereby reducing the supply of new and effective drugs, and by delaying the approval of such drugs as survive the tortuous FDA process. Any increase in the FDA's authority over anything is a clear and present danger to the nation's health."

Durk Pearson and Sandy Shaw are the authors of Life Extension: A Practical, Scientific Approach *(Warner) and* Freedom of Informed Choice *(Common Sense Press).*

BOOM TIMES

BY MARTIN MORSE WOOSTER

Bill Clinton's election marks the first time that a member of the "baby boomer" generation has become president. In the aftermath of the presidential race, trendologists are proclaiming that the Clinton triumph is not just a victory for the Democrats; it means that the 76 million baby boomers, after decades of trying, have finally taken over America.

In the Winter 1993 *Trends Journal*, staff members of the Trends Research Institute explore 16 trends for 1993. Nearly all the political trends have something to do with our new baby-boomer government. "Bill Clinton is a trend," the institute reports. "Instead of looking up at the generation running things, boomers suddenly *are* the generation running things."

"Now, and for the rest of the decade," the institute declares, "the values of society will be defined by people with a 60's mentality, just as the values of the 80's were defined by people with a World War II mentality." But this analysis is severely flawed. It is as impossible to describe the tastes and hopes of all baby boomers as it is to describe the desires of all women, all blacks, or all Hispanics. As Karl Zinsmeister has observed, many baby boomers fought in Vietnam, listened to country music, raised stable two-parent families, and have no urge to remake the world in their own image.

And many boomers are not looking forward to sipping the sweet nectar of power; they're feeling old, depressed, tired, and broke. *Newsweek* captured this trend in its December 7 issue on "The New Middle Age," which featured a pop-art cover by Lou Brooks showing a man clasping his sweat-soaked brow with a hand and saying, "Oh, God...I'm really turning 50!"

In her *Newsweek* cover story, Melinda Beck reports that the American Association of Retired Persons sends about 75 percent of America's 50-year-olds an invitation to join. "Not since the Selective Service Board sent 'greetings' to 18-year-old men during the Vietnam War," Beck reports, "has a birthday salutation been so dreaded by so many."

Most of Beck's piece, as one might expect, consists of long agonized wails from aging boomers anxious to preserve the frazzled remains of their youth by any means necessary. Often, they resort to redefining middle age. In a poll conducted for the American Board of Family Practice, Beck reports, 41 percent of Americans thought that middle age began when you worried if you could afford health care, 42 percent thought mid-life started when the last child left home, and 46 percent said "it was when you don't recognize the names of music groups on the radio anymore."

Trend spotters are wrongly claiming that Clinton's victory means that America's 76 million baby boomers have at last taken over the country and will define it with their 1960s mentalities.

Still other boomers are depressed about the social changes that have taken place in their lives. In the September 14 issue of *Forbes*, Peggy Noonan argues that it is no longer morning in America; it is twilight.

What is most puzzling about the boomers, says Noonan, is that compared to their ancestors, they are quite rich. Compare two popular situation comedies, one from the 1950s and the other from the 1980s. In *The Honeymooners*, Ralph and Alice Kramden live in a small apartment with a few chairs and a table; the characters in *Family Ties* have fancy couches, a color television, a VCR, better art on the walls, and straight teeth, thanks to thousands of dollars spent on braces. Both the working-class Kramdens and the middle-class Keatons of *Family Ties* symbolize the average American families of their times. "The average couple was working class then," says Noonan, "and is middle class now."

But with all this wealth, says Noonan, has come malaise. The parents of baby boomers, she says, knew that politicians tend to be fools, work is largely boring, and life is a mixture of one part pleasure and nine parts gall. The baby boomers rebelled, demanding undiluted happiness in their lives and abandoning God. "My generation, faced as it grew with a choice between religious belief and existential despair, chose...marijuana. Now we are in our cabernet stage."

While the boomers are lost in drift, drink, and doubt, they are also realizing that there are *younger* people out there—and they haven't done as they were told! They've voted Republican! They've gone to politically correct classes...and fallen asleep!

In the December *Atlantic Monthly* and the January *Washingtonian*, Washington wonks William Strauss and Neil Howe analyze how the twentysomethings differ from the baby boomers. They argue that there have been 13 generations in American history, and these generations alternate between idealistic ones and inward-looking, less political ones.

The baby boomers, write Strauss and Howe, want to remold the world in their own image. Their successors, the Thirteeners, grew up in a time in which baby boomers (using the cultural facilities they control—foundations, public radio and television, the universities) kept defining

the rules of the world in such a way that Thirteeners always failed. If you are a Thirteener, Strauss and Howe write, "You're expected to muster passions against political authority you've never felt, to search for truth in places you've never found useful, to solve world problems through gestures you find absurd."

The Madison Center's Robert Lukefahr expresses the rebellious spirit of the Thirteeners in the Fall 1992 issue of *Diversity & Division*, where he blasts the baby boomers for being egotistical whining lovers of big government whose legacy to the Thirteeners is high taxes, overcrowded courtrooms, and cultural standards that decree Joni Mitchell the equal of Shakespeare. "Boomers run amok," says Lukefahr, "crashing the nation's institutions, declaring victory, and leaving others to wade through the flotsam in their wake."

But this conflict has occurred before in American history. The Missionary Generation, born in the 1860s and 1870s, tried to remake the world in ways similar to the baby boomers. Like the baby boomers, such Missionaries as Franklin Roosevelt, Eleanor Roosevelt, Harold Ickes Sr., Harry Hopkins, and George Marshall, write Strauss and Howe, "had enormous egos and an undying fixation on self-discovery, values, and moral confrontation." They favored expanding government in moralistic ways, through Prohibition, making marijuana and cocaine consumption illegal, and creating the welfare state.

The Lost Generation, born between 1883 and 1900, rebelled against this politicization of life. The women of this generation rejected the rigid moralism of the suffragettes in favor of fun and unforced equality with men; the men revolted against such doctrinaire leftists as Upton Sinclair. When these youth entered their 20s and 30s, they favored jazz, gin, and jalopies over political activism; when they did vote, they helped ensure the election of Republicans Warren G. Harding, Calvin Coolidge, and Herbert Hoover. This generational war, say Strauss and Howe, is being replicated in the battle between boomers and Thirteeners.

In their *Washingtonian* piece, Strauss and Howe argue that the boomer tendency toward moral authoritarianism will ultimately backfire and that the boomer-led Clinton administration will be marked by "a new public rudeness, a new political vindictiveness, a new moral one-upmanship in policy discourse." After four years of the Clintonian nanny state, they predict, disgusted Thirteeners will join the revolt that will lead to a Republican triumph in 1996.

Strauss and Howe's analysis is interesting and partially persuasive, but limited. First, the trends they discuss largely represent elite viewpoints. Second, the division between baby boomers and people in their 20s is a fuzzy boundary, not an iron curtain.

In the January/February *Buzz*, a magazine for denizens of Los Angeles, Sandra Tsing Loh argues that "late boomers," born between 1960 and 1966, came of age in that nowhere land after Woodstock and before raves. Most of her status signifiers and her argument are not comprehensible to those of us who live outside California. (For example, one's attitude toward El Pollo Loco, a popular Mexican-style fast-food chicken chain, is crucial in determining one's place in the Los Angeles status ladder.) But she is certainly right in her charge that people who are in her age group are not counted in the generational wars.

In a witty piece in the January 4 *New Republic*, Alexander Star looks at all the popular culture about people in their 20s and concludes that the idea of a generational war is largely a myth generated by Madison Avenue and Hollywood to sell products and boost ratings and movie-ticket sales in the name of a "generic youth culture." The fragmentation of tastes and interests characteristic of our times, he says, means that a common culture among young people is no longer possible, and that "the twentysomething craze, like its components, will probably blow over soon."

Certainly Star and Tsing Loh's points are valid. And Strauss and Howe's description of the Lost Generation, while interesting, is unrepresentative as well. Surely far more young people in the '20s spent their days in factories and farms than in speakeasies or dance floors.

Strauss and Howe's thesis is of greatest interest as it pertains to the portion of Americans pursuing political careers. They argue that Lost Generation political and literary leaders ultimately became the founders of America's conservative movement. The lives and political transformations of Max Eastman and John Dos Passos, for example, could well be duplicated as the Thirteeners age.

In the December 28 *National Review*, Amy Lumet indirectly makes the same argument when she describes a group she calls "Baby Cons," young rightists fed up with the agonizing of politically correct liberals and guilt-ridden neoconservatives. These under-30 Baby Cons, says Lumet, are "the first generation to be raised by government as evil stepmother....What they see makes them mad. You'll hear it over and over: big intrusive government, big moral government, big parental government." In short, baby cons are libertarians, a word Lumet is curiously unwilling to use.

Certainly most of the younger people I see at Washington gatherings of rightists are libertarian, and certainly the influence of libertarians in the Republican party has risen to the extent that they have superseded fading, aging liberal Republicans. This change is in part due to a rising number of young people committed to free markets and opposed to government nannyism in the area of morals and culture.

If Strauss and Howe are right, these freedom-loving youngsters will ultimately retain many of their anti-statist values when they achieve political power between 2020 and 2030. I certainly hope this is true; at age 35, I am old enough to remember the '60s and young enough to rebel against that era's values. As Bill and Hillary Clinton prepare to impose neo-Progressive big government on America, I will give a hearty cheer whenever a member of the younger generation denounces the values of the boomers now in power.

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THAT'S LIFE

BY CHARLES OLIVER

An era may have ended. *Variety*, the entertainment-industry newspaper, has proclaimed 1992 the "twilight of the biopic." Last year saw the release of a half dozen biographical motion pictures, the largest number in decades; it seemed to mark the renaissance of a dying movie genre. But none of the films did well at the box office. Their returns ranged from merely disappointing (*Malcolm X*) to downright pathetic (both of the Christopher Columbus movies).

It wasn't always this way. During the peak years of the studio system (roughly 1927 to 1960), Hollywood averaged about 10 biographies a year. The old-time studios even had filmmakers who specialized in the biopic. William Dieterle directed, among others, *Pasteur*, *Juarez*, and *Dr. Ehrlich's Magic Bullet*. And George Arliss starred as *Disraeli*, *Voltaire*, *Alexander Hamilton*, and *Cardinal Richelieu*. These were prestige films that nonetheless usually earned a tidy profit for their distributors.

But over the last 30 years biographies have not fared well at the box office. The conventional wisdom is that the biopic is one of those genres, like the western, that have been destroyed by overexposure on television. In the 1960s, Universal pioneered the made-for-television motion picture. And producers quickly discovered that biographies, particularly those of contemporary figures, were the perfect fodder for cheap, quickly made telefilms. Since then, cable channels and the networks have offered viewers movies about Anwar Sadat, Marilyn Monroe, Nelson Mandela, and Frank Sinatra, as well as numerous portraits of Elvis Presley and of various Kennedys.

TV, the conventional wisdom holds, has so saturated the market that theatrically released biopics can't earn any money. The failure of this latest group of films, say some, only proves this point.

Certainly, the proliferation of biographies on TV means that theatrical films must work harder to attract an audience, but it isn't impossible for biopics to succeed at the box office. In the last 10 years, *Gandhi*, *Amadeus*, *Out of Africa*, and the re-release of *Lawrence of Arabia* have all made quite a bit of money. What separates these films from those that have failed?

***Malcolm X* had all of the ingredients for a great biopic, but box-office returns were disappointing.**

For a film biography to work, its producers must first start with an interesting subject, someone we're willing to pay $7.00 (in L.A., anyway) to identify with for two or three hours. The protagonist must do important things: Gandhi won independence for India; Lawrence organized Arab tribes traditionally hostile to each other to defeat the Turks. Or lead a glamorous life: Isak Dinesen lived on a huge plantation in Africa, wrote great books, and romanced a big-game hunter.

Second, the producers must cast the right actor in the lead. This is more difficult than it sounds. It doesn't necessarily mean a big-name star: Peter O'Toole, Ben Kingsley, and Tom Hulce weren't exactly household names when they were signed to play Lawrence, Gandhi, and Mozart. Nor does it necessarily mean casting the "best" actor. Those who loved Peter O'Toole as Lawrence have learned from his other films that he basically gives one performance. But when matched with the right role, that performance can be riveting. And that is the key to casting: The actor ideally should have charisma, panache. Again, he should be someone we wouldn't mind being (for a couple of hours, anyway).

Third, the filmmakers must throw in exotic locations: the Arabian desert, the African jungle, the palaces of Europe. Take the audience someplace special.

In fact, these are good rules for any moviemaker to follow. Modern Americans go to movies for the same reason that Romans used to go to the circus: to escape from the dullness of their daily lives. To vicariously experience glamour, excitement, and romance. Or to be led safely through a world of danger and fear. In short, they want to be entertained on a larger-than-life scale.

The current crop of biopics just didn't do that. Take the two Columbus films: *Christopher Columbus—The Discovery* and *1492: Conquest of Paradise*. An interesting lead character? These films couldn't make up their mind whether Columbus was a heroic navigator, a fool who stumbled onto a New World, or the Satan of the Americas. A riveting performance by the lead actor? In *1492*, Gerard Depardieu, a talented French actor, was obviously speaking his lines phonetically. And I'd have to consult my notes to tell you who played Columbus in the other film, and frankly, it isn't worth it.

Or consider *The Babe*. Hollywood first dealt with the life of George Herman Ruth in 1948. *The Babe Ruth Story* was hokey, cliché-filled, and silly. In other words, it was a lot of fun. If all you knew about Ruth was what was in this movie, you wouldn't know much that was true. But you would know what was

DAVID LEE/WARNER BROS.

important: Babe Ruth revolutionized the way baseball was played by popularizing the homerun; he was the gate attraction that turned baseball into the national pastime; and he was the cornerstone of a New York Yankees dynasty that lasted decades.

Last year's account of Ruth's life was a bit different. As far as I could tell from this movie, Babe Ruth was just a fat drunk who got laid a lot.

This focus on the tabloid elements of a person's life also ruined *Chaplin*. Director Richard Attenborough demonstrated in *Gandhi* that he knows how to make a biographical film, but this time out he got overwhelmed by the incidentals of Charlie Chaplin's life. Charlie Chaplin was the most famous man of his day; he pioneered elements of movie comedy that are still copied. But Attenborough seems more interested in Chaplin's taste for teenage girls and in the comedian's alleged persecution by J. Edgar Hoover.

Now if I were Michael Medved, I might explain this focus on the tawdry aspects of famous people's lives as some sort of Hollywood conspiracy to undermine our heroes. But I'm not, so I won't. More likely, filmmakers are just trying to give the audience what they think it wants. If so, the filmmakers are wrong—as the box-office receipts show.

But in this case the mistake is understandable. In focusing on the seamy, *Chaplin* and *The Babe* followed a model successfully established by the television biopic. Whether dealing with Elvis or Marilyn or JFK, TV invariably focuses on illicit affairs or drug abuse or financial misdealings. And that seems to be what the public wants: Witness the success this past January of three different made-for-TV movies about teen prostitute and would-be killer Amy Fisher. Each film drew between a quarter and a third of the viewing audience. That's astounding, especially when you consider that two of the films played opposite one another. Ultimately, 4 out of 10 Americans watched at least one of the Amy Fisher films.

Some have explained the success of tabloid TV by arguing that characters inevitably have to be "shrunk" to fit onto the TV screen. Others say that people feel uncomfortable bringing larger-than-life figures into their homes. (I offer, without any comment that could possibly get me into trouble, the observation that the biggest audience for both tabloid TV shows such as *Hard Copy* and for most TV biographies is women. The typical movie audience is mostly male.)

Whatever the reason, it's obvious that what works on the small screen won't work on the big screen. People won't pay to see a TV biopic projected in a theater. They want something different when they go to the movies: characters that fill up a 30-foot screen, interesting locations, a reason to care. And if producers won't give that to them, they'll just stay home. After all, the USA Network is rerunning one of those Amy Fisher films.

This brings us to *Malcolm X*. On the face of it, *Malcolm X* had all of the ingredients for success. Malcolm led an interesting life, progressing from street hood to leader to martyr; Denzel Washington gave the performance of his career; and the film moved from America's inner cities to Mecca.

The film certainly isn't a failure: At year's end, it had tallied over $44 million in gross receipts. But typically a studio keeps only about half of a movie's gross, so at a production cost of more than $35 million, *Malcolm X* will barely make money after foreign and video sales. (For comparison, Warner Bros. released the action film *Passenger 57* one week before *Malcolm X* with much less fanfare. By year's end, *Passenger 57* had grossed just over $41 million, but it cost much less than *Malcolm X*.)

What went wrong? In two words: Spike Lee. Through his continual and outrageous slams at white people and at blacks whom he dislikes, Lee has ensured that he is better known as a perpetually angry young Negro than as a gifted director. That's a shame, since his films aren't generally as anti-white as his public pronouncements. And that is true of *Malcolm X*. Except for a few scenes, the film doesn't have a "hate whitey" thrust.

But you wouldn't know that unless you saw the film. Judging from Lee's interviews—where he always railed against someone or some institution for oppressing him, looking very much like a petulant cricket—one could be forgiven for thinking that the film was three and a half hours of Caucasian baiting. *Malcolm X* failed to attract enough white viewers to turn it into a hit.

Of course, today's audiences find it hard to sit still for three hours for anything. In this respect, Lee was overly impressed by the subject's (or his own) importance. Loudly, he told anyone who would listen that Warner Bros. gave Oliver Stone three hours for *JFK*. *Malcolm X* was no less important. But Lee confused epic length with epic quality. Even critics who put his movie in their year-end top 10 lists conceded that some scenes were unimportant and many others dragged on too long.

I would go even further: An hour could have been cut from *Malcolm X*. This would have made it a better film. (Whatever other faults *JFK* may have had, it never *felt* like a three-hour film. *Malcolm X* does.) And it would have been a more commercially viable movie as well.

Despite 1992's failures, one shouldn't be too quick to pronounce the death of the biographical film. *Alive* earned $18 million in its first two weeks, and *Lorenzo's Oil* is doing well in limited release.

These two films depict the struggles of real-life people to overcome horrible adversity. In *Lorenzo's Oil*, August and Michaela Odone battle time, nature, and the medical establishment to find a cure for the disease that is killing their son Lorenzo. And in *Alive*, a soccer team fights to survive the frigid wastes of the Andean mountains after a plane crash.

Hollywood filmmakers aren't stupid, and they aren't deliberately malevolent. If *Alive* and *Lorenzo's Oil* are as successful as it appears they will be, the movie industry will figure out that audiences are more interested in real-life individuals who overcome impossible odds than in those who simply stagger around drunk or bed down with teenagers.

Charles Oliver is assistant editor of REASON.

Bad News Bearers

BY DAVID A. LIPS

Ecoscam: The False Prophets of Ecological Apocalypse, by Ronald Bailey, New York: St. Martin's Press, 256 pages, $19.95

One of the defining moments of 1992 was the NASA press conference held on February 3. At that conference, scientific experts predicted that ozone depletion had become so severe that an ozone hole (like that which looms over Antarctica during its spring) would appear over the Northern Hemisphere. Since ozone blocks ultraviolet radiation coming toward the earth, there was an increased chance, reporters were told, of cancer caused by that radiation.

Newsweek
April 28, 1975
"The central fact is that... the earth's climate seems to be cooling down. (Meteorologists) are almost unanimous in the view that the trend will reduce agricultural productivity."
Newsweek
June 1, 1992
"The atmosphere may be reaching the limit of its capacity to absorb emitted carbon dioxide without falling into a disastrous greenhouse effect."
CHICKEN LITTLE MEDIA
"COOLING, WARMING-WHATEVER! THE SKY IS FALLING!"

An immediate flurry of media activity followed, epitomized by a *Time* magazine cover depicting the sky with a gaping and flaming hole in the center. Prompted by perceived public reaction to the NASA briefing, President Bush signed into law a ban on those chemicals deemed responsible for ozone destruction. A self-righteous Sen. Albert Gore (D-Tenn.) chastised the president for dragging his heels on such a ban until there was a threat of an ozone hole developing over the president's vacation home in Kennebunkport, Maine.

Little media attention was given to NASA's follow-up press briefing of April 30. At that conference NASA reminded the reporters that the predictions made at the prior press conference were based solely on preliminary information and that subsequent research failed to show the existence of any ozone hole in the Northern Hemisphere. The panel of experts at the April meeting continued to warn, however, about the dangers of ozone depletion.

Kent Jeffreys of the Competitive Enterprise Institute stood up during the question-and-answer period and noted that ultraviolet radiation naturally increases the closer you get to the equator. He then asked the NASA scientists to estimate how far south you would have to go to get the level of radiation to which you would be exposed if the current predictions of ozone depletion came true. While the rest of the panel refused to answer the question directly, Robert Watson, one of the leading scientific advocates of the dangers of ozone depletion and of global warming, admitted that the increased radiation exposure from the predicted depletion of ozone would be the equivalent of what you would get from moving 100 miles south (about the distance between Washington, D.C., and Richmond, Virginia).

Only one article, an editorial in *The Washington Times*, mentioned that answer, which put into perspective the relatively benign nature of ozone depletion. While currently dormant in political circles, the apocalyptic vision of ozone destruction continues to be taught in schools and described in the popular press.

This account brings to life the main theme in Ronald Bailey's persuasive and meticulously researched *Ecoscam*: Theories of impending doom are always with us, in defiance of today's information and tomorrow's virtually certain disproof.

Long concerned with the abuse of scientific information, Bailey is currently the producer of the national weekly television series *TechnoPolitics*, which deals with science-policy issues. His thorough book recounts example after example of past fears of worldwide catastrophe that, in retrospect, seem childlike in their naiveté but which appeared as ominous to their generation as certain environmental doomsday scenarios appear to ours. Some of these disastrous predictions are embarrassingly recent.

Only 21 years ago the famous study *The Limits to Growth* predicted that the world would run out of gold by 1981, tin by 1987, and petroleum by 1992. During the Cold War, pundits repeatedly said that the mere possession of nuclear weapons by the superpowers would ensure their imminent use in a worldwide holocaust. In 1968, Stanford University's Paul Ehrlich predicted in his acclaimed *The Population Bomb* that food shortages would result in famines engulfing the planet, killing off "hundreds of millions of people" in the 1970s alone. While occasional famines have continued to plague the Third World, they are the result of government policies in those countries and the disruptions of civil war. Bailey ob-

HENRY PAYNE

serves, "The problem is not a lack of food, but inadequate distribution and poverty."

Most of Bailey's 10 chapters describe past and current predictions of doom and the facts that belie them. Among the parade of horribles that Bailey deals with and dismisses are the threats from biotechnology, global warming, overpopulation, atmospheric ozone depletion, and nuclear winter. As Bailey observes, even when there is an element of truth to these scares, their negative features are vastly exaggerated and their positive dimensions overlooked. An example is the benefit to plant life from increased carbon dioxide in the atmosphere—something rarely acknowledged when people call for curtailing carbon-dioxide emissions to combat the dubious problem of global warming.

In this connection, the supreme depth of irony is reached in the chapter entitled "The Refrigerator Effect." From the late 1950s to the late 1970s, it was common for climatologists and others who sought public attention to declare that a new ice age appeared to be upon us. Quoting a member of the World Meteorological Organization, *Science* magazine reported on March 1, 1975, "The cooling since 1940 has been large enough and consistent enough that it will not be soon reversed, and we are unlikely to quickly regain the 'very extraordinary period of warmth' that preceded it." (This quote, sadly, is not in Bailey's book.) The problem was considered so severe that drastic measures were urged, one being a deliberate attempt to warm the oceans.

One of those riding the wave of the apocalypse of global cooling was Stephen Schneider, who now seeks fame as one of the chief trumpeters heralding the apocalypse of global warming. Even though his predictions of disaster are the exact reverse of what they were less than 20 years ago, his proposed cure has not varied: worldwide redistribution of wealth and governmental planning.

Schneider, in a rare admission by a scientist-cum-advocate, declared in 1989, "[W]e are not just scientists, but human beings as well. And like most people we'd like to see the world a better place, which in this context translates into our working to reduce the risk of potentially disastrous climatic change. To do that we have to get some broad-based public support, to capture the public's imagination. That, of course, entails getting loads of media coverage. So we have to offer up scary scenarios, make simplified, dramatic statements, and make little mention of any doubts we might have....Each of us has to decide what the right balance is between being effective and being honest."

Although buttressed by a wealth of interesting factual information, Bailey's profound message is, at times, lost in his glib prose. In addition, at least one of the doomsday predictions considered in Bailey's book (nuclear war) seems to be a genuine and continuing threat (the dissolution of the Soviet Union notwithstanding) and does not deserve the somewhat cavalier treatment that it receives here. These shortcomings, however, are minor and do not mar the significance of the book.

The first and last chapters in *Ecoscam* are the most important. They concern the tendency of people to foresee the worst. One is reminded of Theseus's line in Shakespeare's *A Midsummer Night's Dream*: "Or in the night, imagining some fear, / How easy is a bush suppos'd a bear!" Danger and disaster fascinate, and far from calming people's fears by encouraging the dissemination of impartial factual evidence, the government, through funding and special-interest politics, and the media, through their preoccupation with sensationalism, have driven those Bailey calls "apocalypse abusers" into greater heights of irresponsibility. He provides a convincing analysis of how these forces shape our perception of the world.

Bailey closes by cautioning the press and the public to be skeptical of every "prophet of doom." He encourages us to see beyond the headlines and recommends that reporters seek out, as much as possible, disinterested scientific opinion and data. He is probably unrealistic in thinking that any more than a handful of those in the "fourth estate" will follow his prescriptions. But his cautionary book gives us grounds for urging that skepticism on others.

David A. Lips is a program officer at Liberty Fund Inc. in Indianapolis.

Montezuma's Revenge

BY RAOUL LOWERY CONTRERAS

Latinos: A Biography of the People, by Earl Shorris, New York: W.W. Norton & Co., 520 pages, $25.00

Days of Obligation: An Argument With My Mexican Father, by Richard Rodriguez, New York: Viking, 230 pages, $21.00

Both Earl Shorris and Richard Rodriguez are trying to say something about the Hispanic experience in America, but their approaches could hardly be more different. Shorris's *Latinos* is an ambitious, sweeping attempt to draw a portrait of 22 million people. Rodriguez's *Days of Obligation*, by contrast, is the intensely personal account of one man's struggle to define himself. In the end, despite his narrow focus, Rodriguez tells us much more that is meaningful and significant.

The main problem with Shorris's book is the misleading thesis expressed in the subtitle, *A Biography of the People*. The population conventionally referred to as Latinos or Hispanics is not one people but several, a fact that Shorris too often ignores. In the introduction, he describes an encounter with a Mexican woman in which he asks her how she prefers to be labeled. "*Mejicanos*," she declares. "Yes, but there is a larger group," Shorris responds. "We are *Mejicanos*," she insists.

This identification with a particular group of Spanish-speaking people, rather than with Latinos in general, is quite common. The recently completed Latino National Political Survey found that, in general, Mexicans prefer to be called Mexicans, Puerto Ricans prefer to be called Puerto Ricans, and Cubans prefer to be called Cubans. Few like *Hispanic*, and even fewer like *Latino*. Yet for the most part, Shorris proceeds as if these distinctions were not important.

Rodriguez describes how Mexican-American immigrants struggle for a better life, belying the old stereotypes.

"For the last twenty years," he writes, "I have expected the appearance of this book....A generation has been born and a generation has died, and the book has not been written. Rodolfo Acuña, Mario T. Garcia, Alejandro Portes and others have written fine, useful books, but not a book about Latinos." Thus the task has fallen to Shorris, but it is too much for him. It is folly to attempt a survey of 22 million Spanish speakers and their children, representing two dozen national origins, in fewer than 500 pages.

Shorris tries to examine 16 million Mexicans and consider their place in America. Then he tries to do the same for a couple million Puerto Ricans and for a somewhat smaller population of Cubans. Because he tends to speak of "Latinos" generically, he makes certain groups, such as Puerto Ricans, Cubans, and Salvadorans, seem bigger than they really are. (Although Cubans and Puerto Ricans are concentrated in Miami and New York City, respectively, and therefore have considerable influence in those cities, they are much less numerous than Mexicans nationally. There are more Mexicans in Los Angeles alone than there are Puerto Ricans and Cubans in the whole country.)

Shorris makes some valid observations, but the conclusions he draws from them are too broad. For example, he notes the significance of Mexican-American military service: "World War II, more than any other event, changed the character of the Mexican American. A people that had won more Medals of Honor than any other racial or ethnic group during the war could not feel quite so humble at home....They were Americans, men who had fought for their country....Men who had commanded Anglo troops in battle did not cringe before them in civilian life."

Shorris would have us believe that this accomplishment belongs to "Latinos" generally. This is overreaching. Participation in World War II is of special significance to Mexican-Americans, but not to Puerto Ricans, Salvadorans, Guatemalans, Argentinians, or any of the other groups that populate Shorris's Latino universe.

Shorris not only overgeneralizes, he editorializes. His periodic lapses into left-wing cant are distracting and irritating. For example, he casually mentions "two morally corrupt administrations—those of Ronald Reagan and George Bush." He begins a sentence with: "As the recession and the Reagan Administration—combined with the arrival of the aggressive Dominican population—drove the Puerto Rican community backwards by every social and economic measure..." And he offers this ode to labor leader César Chavez: "The hunger strikes of César Chavez made him an American Gandhi. Nothing Steinbeck wrote, nothing Woody Guthrie sang prepared the world for the unbreakable will, the brown skin, and the beautiful, suffered face of César Chavez."

Shorris rejects the argument that the media should focus more on the three-quarters of Hispanics who are not poor rather than the quarter who are. He says this "argument is abhorrent on moral grounds: The 26 percent who are poor, if indeed only 26 percent are poor, are those who need attention; the rich can presumably take care of themselves." But provoking assistance is not the only function of media attention, and emphasizing Hispanic poverty is simply misleading, especially when all Latino groups are lumped together.

Shorris is quick to offer rationalizations for Puerto Rican poverty. He says Puerto Ricans are at the lower end of the Latino economic ladder because they are the "conquered." They have never been independent; they have languished first under the Spanish heel, then under the American heel.

Still, Shorris's discussion of racism and its impact on Hispanics is valuable and eye-opening. For example, he quotes from a Depression-era report on Mexicans prepared for Rep. John Box (D-Tex.) by Roy L. Garis of Vanderbilt University:

"Their minds run to nothing higher than animal functions—eat, sleep, and sexual debauchery. In every huddle of Mexican shacks one meets the same idleness, hordes of hungry dogs, and filthy children with faces plastered with flies, disease, lice, human filth, stench, promiscuous fornication, bastardy, lounging, apathetic peons and lazy squaws, beans and dried chili, liquor, general squalor, and envy and hatred of the gringo. These people sleep by day and prowl by night like coyotes, stealing anything they can get their hands on, no matter how useless to them it may be. Nothing left outside is safe unless padlocked or chained down. Yet there are Americans clamoring for more of this human swine to be brought over from Mexico."

Shorris also cites a 1987 monograph by psychologist Lloyd Dunn, entitled "Bilingual Children on the U.S. Main-

JONATHON NOUROK

land: Review of Research on Their Cognitive, Linguistic, and Scholastic Development": "While many people are willing to blame low test scores of Puerto Ricans and Mexican-Americans on their poor environmental conditions, few are prepared to face the probability that inherited genetic material is a contributing factor."

These quotes attest to the prejudice that still faces Mexican-Americans and other Hispanics (who, at least in California, have higher labor-force participation rates, lower welfare rates, and a higher percentage of children born to married couples than European-Americans). For Shorris, prejudice is an obstacle that can be overcome only with government assistance. For Rodriguez, it is a challenge that spurs an inner journey.

Rodriguez enraged militant Chicanos and guilty white liberals a decade ago by belittling affirmative action and bilingual education in *Hunger of Memory*. In *Days of Obligation*, a collection of 10 essays, he struggles to identify the origins of the dark face he sees in the mirror every morning. Taught to be "an Irish Catholic" by nuns and priests who took vows on the Emerald Isle, Rodriguez as a child did not understand the Mexican culture of his parents.

What am I? he asks, over and over. Am I Indian? Am I Spanish? Am I both? Every dark-skinned Mexican has, at one time or another, asked the same questions. "Mexico is littered with the shells and skulls of Spain, cathedrals, poems, and the limbs of orange trees," Rodriguez writes. "But everywhere you look in this great museum of Spain you see living Indians."

"Where are the CONQUISTADORES?" he demands to know. Politically correct America, Rodriguez notes, "pities the Indian the loss of her gods or her tongue. But let the Indian speak for herself. Spanish is now an Indian language. Mexico City has become the metropolitan see of the Spanish-speaking world....Mexico City has captured Spanish."

I once wrote that the Mexican Indian pulled the mantle of Spanish civilization

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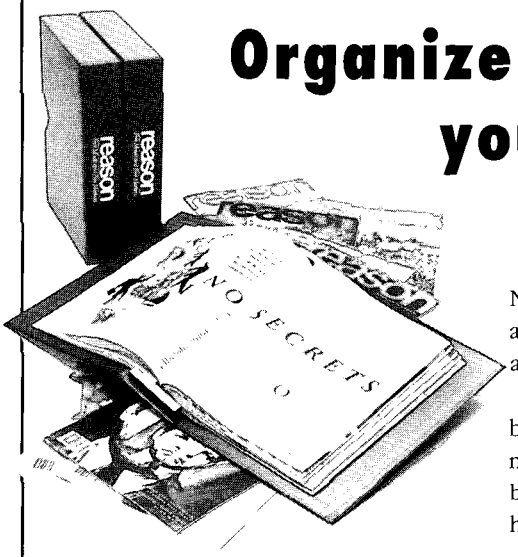

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around him as just another layer, an addition to the many layers of civilization that he represented. Rodriguez, a Ph.D. in Renaissance literature, puts it this way: "The Indian stands in the same relationship to modernity as she did to Spain—willing to marry, to breed, to disappear in order to ensure her inclusion in time; refusing to absent herself from the future. The Indian has chosen to survive, to consort with the living, to live in the city, to crawl on her hands and knees, if need be, to Mexico City or L.A."

In Mexico City, he writes, "Everywhere I look. Babies. Traffic. Food. Beggars. Life. Life coming upon me like sunstroke.

"Each face looks like mine. No one looks at me.

"Where, then, is the famous conquistador?

"WE HAVE EATEN HIM, the crowd tells me, WE HAVE EATEN HIM WITH OUR EYES.

"I run to the mirror to see if this is true.

"It is true."

Rodriguez has discovered who he is, and he is proud: "I take it as an Indian achievement that I am alive, that I am Catholic, that I speak English, that I am an American. My life began, it did not end, in the sixteenth century."

Rodriguez watches those whose misfortune it was to be born in some distant mountain village in southern Mexico rather than Los Angeles prepare to cross the Tijuana River into the United States at twilight. "They were men without women," he writes. "They were Mexicans without Mexico." On Saturdays, they "flooded the Western Union office, where they sent money...all the way down into Mexico. America was a monastery. America was a vow of poverty. They kept themselves poor for Mexico." The constant striving that Rodriguez both describes and embodies is the ultimate refutation of the stereotypes that Shorris cites.

Raoul Lowery Contreras is a syndicated columnist in San Diego.

The Courage of a "Cow Demon"

BY STEVEN W. MOSHER

A Single Tear: A Family's Persecution, Love, and Endurance in Communist China
By Wu Ningkun, New York: Atlantic Monthly Press, 367 pages, $21.00

In 1951 a brilliant young Chinese graduate student abandoned a promising academic career in America to answer the call of his homeland. The new Communist regime was urging "patriotic intellectuals" to return from overseas and "serve the socialist motherland." Wu Ningkun arrived in Beijing eager to assume his duties as a professor of English at Yanching University. Six weeks later, the first campaign to reform the thought of intellectuals was launched. In Wu's words, it was "a declaration of war on the mind and integrity of the intelligentsia for the next forty years."

A Single Tear is Wu's account of that war, as it was waged against him and other intellectuals by a Chinese Communist Party bent on establishing its own brave new order. Despite having read *Darkness at Noon* and *1984*, Professor Wu was woefully naive about what was in store for him, so much so that in the beginning he loaned out his copies of Koestler's and Orwell's "reactionary" books to his students to read. "Corrupting the young minds of the New China" became one of the first charges against him.

Wu Ningkun had picked up some other bad habits during his years in the United States, not least the propensity to freely speak his mind. Ordered to attend study sessions on Marxist thought, he called these "an insult to the intelligence of professors." To colleagues, he lamented the lack of freedom of speech. These, too, became the basis for accusations of rightist thinking.

Within two years of his return to China, Wu became a target of a nationwide campaign to ferret out "hidden counterrevolutionaries." His life became a dreary round of denunciations by once-friendly university colleagues and students. Party activists forced him to write endless self-criticisms, threatening him with the "iron fist of the proletariat" unless he confessed to the charge of "spying." Sitting in the center of a roomful of accusers day after day, he realized that *Darkness at Noon* and *1984* were more than just works of literature. He was living them.

Wu's persecution ended suddenly when several of his fellow ultrarightists committed suicide (not good for the Party's image as benevolent savior), but it resumed with the onset of the next campaign in 1957. Once again Wu was dragged out and accused of imaginary crimes, only this time he was sentenced to an indefinite period of reform through forced labor. He was sent to a government

Wu Ningkun was sent to the Chinese gulag for "thought reform."

SCOTT McALPINE

"farm," really an outpost of the Chinese gulag, near the Siberian border in Heilongjiang province. His release would come, his captors informed him, only after they had judged his thoughts to be "sufficiently reformed."

Once in the camp, however, Wu found that the endless grind of back-breaking labor left little time or energy for thought reform, whatever that was. He came to

envy the regular prisoners with fixed sentences, for they toiled in the certainty they would one day be released. He once asked the camp commandant when he would be set free. "When you have thoroughly reformed yourself," came the authoritative reply.

"But how do we know when we are thoroughly reformed?"

"When you are released!"

Wu expected to be there for the rest of his days.

His life almost came to an end two years later, when China spiraled into famine following the failed Great Leap Forward. Keeping prisoners alive was not a priority. Rations were reduced to a bowl or two of boiled turnips a day—a recipe for rapid starvation. Before long, Wu was digging shallow graves for dead friends, convinced that he would soon be lying in his own.

That Wu survived at all is a tribute to his wife, Yikai, who collaborated with him on this memoir. Spouses of those who had fallen into disfavor were urged by Party activists to "draw a clear line of demarcation" between themselves and their partners. As a practical matter this meant divorce, and many thousands abandoned their mates to marry someone more politically correct. But Yikai refused to leave her husband, citing her Catholic convictions against divorce and the Party's stated policy of "curing the sickness and saving the patient." Her intractability infuriated her inquisitors, who decided that she, too, was an enemy of the people.

Still, Yikai would not be deterred from campaigning for her husband's release, visiting official after official to plead for his life. In the summer of 1961, just as the famine was entering its worst period, her persistence paid off. Wu was allowed to go home for medical treatment. He was told that he had been paroled by the camp commandant for reasons of "revolutionary humanitarianism," but it later became clear that Beijing had intervened: It would unnecessarily blacken China's international reputation, the authorities had decided, to have a well-known patriotic intellectual die of starvation in a prison camp.

After he regained his strength, Wu was transferred to Anhui University. Chastened by the narrowness of his escape and hoping to avoid re-arrest, he sought to sit very small. But there was no escaping the vicissitudes of Chinese politics. As soon as the Cultural Revolution erupted in June 1966, he was accused by the newly formed Red Guards of being a "cow demon and snake spirit." He was confined in a "cow shed," as the temporary detention camps for cow demons were called, allowed out only for public criticism sessions at which he was kicked, beaten, and reviled.

In 1968 Mao called for the nation's intellectuals to go into the countryside and be reeducated by the peasants. Yikai was exiled to a tiny hamlet in eastern Anhui. Wu himself, a so-called arch-demon, was taken to village after

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village by the Red Guards and displayed to crowds of curious peasants, the chief attraction in a traveling sideshow of political freaks.

As the Cultural Revolution began to wind down in 1974, Wu and his wife were finally allowed to return to the city and resume their teaching careers. Five more years passed before Wu was summoned back to Beijing to be formally "rehabilitated." The regime issued an apology for the shameful way he had been treated during the Cultural Revolution, blaming Mao's wife and her radical associates in the party leadership, and removed the rightist label he had worn for over two decades. Wu was promoted to full professor, given a three-bedroom apartment, and allowed to travel abroad. His three children, once denounced as "little cow demons" and forced to change their surnames, were allowed to go abroad to study. Wu and his wife followed in the late '80s and now live in the United States.

A Single Tear is a crystalline microcosm of the vast sea of bitterness that has flooded China in recent decades. As early as 1962, according to official government count, more than half a million of China's best and brightest had been classified as rightists by the paranoid and ever-changing Communist regime. The Cultural Revolution saw virtually the entire intelligentsia of the country humiliated, imprisoned, and banished. Many teachers and writers were killed outright. Others succumbed to private despair and died of self-inflicted wounds. Still others joined in the denunciations of their former colleagues, saving themselves at the cost of their consciences and integrity.

Wu and his wife did not merely survive two decades of brutal persecution—which would have been accomplishment enough—they survived it with body and soul intact. When the pressure to confess grew too great, Wu took refuge in passages of Shakespeare, his wife in remembrances of Thomas à Kempis's *Imitation of Christ*, and their tormentors could not reach them in the quiet recesses of their minds. When suicide threatened to seem like a release from their suffering, Wu would smilingly quote to his wife Hamlet's great laments: "That this all too solid flesh might melt....That the Everlasting had not fixed His canon against self-slaughter!"

In the words of the author, this memoir was written to address one question: Have I suffered and survived in vain? Anyone who reads this intense and beautifully written book will answer a resounding no. It is a story of love, hope, and deliverance with few parallels in the history of recent dissident literature.

Contributing Editor Steven W. Mosher is director of the Asian Studies Center at the Claremont Institute in California. His latest book, A Mother's Ordeal: Escape from One-Child China, *will be published by Harcourt Brace Jovanovich in May.*

Money Mischief: Episodes in Monetary History, by Milton Friedman, New York: Harcourt Brace Jovanovich, 274 pages, $19.95. Milton Friedman's latest book, mainly an integrated compilation of previously published pieces, will attract those who are neither terrified by monetary theory nor bored by monetary history. But the reader who hopes to gain greatly from the presented erudition and wisdom will have to screw his courage to the sticking point and pay close attention, for the seeming simplicity is always sophisticated and sometimes subtle.

Money is important to the working of an economy. For an economy to work well, the amount of money must be limited and not change abruptly. Through all history, monetary control was persistently provided by directly or indirectly linking money to a commodity. Now, the world is experimenting with control by "government restraint rather than [relying] on the cost of acquiring a physical commodity."

Even in the days of commodity-linked money, there was a role of circumstance and happenstance, of myth and misconception. The historical decisions to adopt a gold or silver or bimetallic standard, and to decree the governmentally pegged prices of the metals, reflected misinformation, illusion, faulty prediction, political tactics, and discoveries of metallic

ores and of chemical processes of ore refinement more than rigorous, dispassionate economic analyses.

Monetary arrangements and policies which superficially appear very similar can be, Friedman illustrates, fundamentally different or generate quite opposite effects in different circumstances, with luck—good or bad—partly determining the circumstances. (In 1979, Chile pegged its currency to the dollar in order to control inflation, but disaster struck when prices of both the dollar and oil greatly rose; in 1985, Israel followed basically the same policy and prospered as the dollar and oil happened to fall.)

Conversely, the unfamiliar, even the seemingly bizarre, may not differ in substance from the customary. (We are amused by the islanders of Yap acknowledging as wealth a large, carved stone lost in an ocean storm and now resting unseen under water; but we attach value to gold, seen by few, stored in Fort Knox.) The apparently trivial act or obscure stipulation can carry great weight indirectly and in the long run, with political as well as economic repercussions. (A cavalier political decision by FDR to "do something for silver" led first to major deflation in China in the 1930s and then hyperinflation in the 1940s, both contributing to the success of communism.)

While monetary systems "just grow" and "cannot be constructed," they "*can* be altered and affected in all sorts of ways," so it behooves us to walk carefully and mind our monetary manners.

Friedman has long been dubious of gold standards and their institutionally pegged exchange rates. Still, he acknowledges the inflationary potential of "irredeemable paper (fiat) money," even if recent fiscal and financial market developments and changing public perceptions have made "inflation...less attractive as a political option." Here, he not only accepts a commodity standard as a legitimate arrangement, he evinces sympathy—on the criterion of long-term price level stability—for commonly maligned bimetallism, which could moderate swings in money supply by occasional alternation between de facto gold and silver standards.

But for today's world, he prefers floating exchange rates, even if, realistically, the float is "dirtied" by central bank intervention.

Any monetary system can either function well or fail. The possibility of monetary mischief will always exist. In economic activity, as in political activity, our performance and fate will be determined less by constitutional provision and institutional procedure than by clarity of mind and discipline of soul. Predominant presence or aberrant absence of qualities of character—commitment, courage, integrity, propriety, cultivated sense—will largely prevail.

In an age of common moral and intellectual unconsciousness, that is a sobering conclusion.

—William R. Allen

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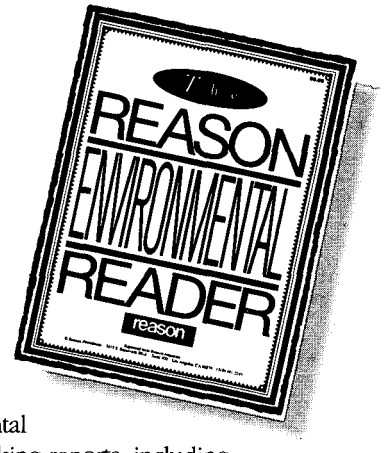

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REDS

BY THOMAS W. HAZLETT

The April issue of this magazine has always celebrated the re-emergence of American baseball, that perennial awakening from the winter blahs to a Springtime of hope and...OK, maybe I fabricate just a tad in a pathetic attempt to impersonate George Will (you know, the guy with the bow tie and a sparkling water out in the left-field bleachers?). Yet today's object lesson does indeed focus on epic battles of the diamond.

Cincinnati Reds owner Marge Schott has been banished from Major League Baseball for one year, fined $25,000, and sentenced to a "multicultural" re-education camp due to her prima facie racist remarks concerning black, Jewish, and Japanese people. A woman who overheard a conversation involving Ms. Schott claims that she employs the term nigger with the frequency of a rapper and articulates a fondness for the plantation relationship from which the term grew. Other hearsay evidence has been adduced. Ms. Schott has wiggled on her story, but has admitted to using certain racial vulgarities. She maintains, though, that while her mouth may be filthy, her heart is pure. She claims no offense.

Don't bother Judge Wapner on this one. I say: She's outta here! Baseball has a profit-driven responsibility to fill its stands, and that means that any Top Executive appearing to despise 17 percent of the fan base must hit the showers early. Due process, schmoo process—Marge is bad for business! I know that this will entail wholesale hypocrisy on the part of some team owners who, in their heart of hearts, harbor thoughts as devilish as La Schott. (At least they have had the good sense of a salesman: Keep your idiotic peccadilloes personal.)

I know too that this looks a little like railroad justice of the most politically correct sort. But this is the court of public opinion, and the gate is Chief Justice. In the private sector, baseball simply exercises its right to free association when it informs the loquacious Reds owner that, alas, she has Schott her wad.

Note that the victim is not being deprived of property or liberty; she may sell her interest for its market value and speak quite freely elsewhere. But she has no God-given right to continue to do business with those who do not wish to carry on with her. The federal law on baseball has not a word on your constitutional right to be a Major League Baseball owner.

Or a member of the Baseball Hall of Fame. In all the huffing and puffing concerning Pete Rose's disgracing of the sport that won him millions of fans, dollars, and thrills, there is a universal constant: Pete should not be denied admission to the halls of greatness simply because of his gambling on baseball games. His achievements on the field should be the sole criterion for induction into Cooperstown.

Am I the only knucklehead in this great nation who thinks this popular truncation of ability and responsibility is insane? Is physical prowess on the diamond the single dimension of success in baseball? Is immoral philandering on the game's most sacred mistress—a non-fixed nine innings of honest baseball—less important than hitting to the opposite field?

Did I miss the lesson in elementary school where it was announced that 4,000 career hits let you jog around society's moral code? Call me old-fashioned, but the fact that a player has exceptional lifetime stats makes him more culpable for any reprehensible offense: His talents—and luck of the draw in life—carry a little quid pro quo regarding the demigod status it bestows. The hero to our youth is making book on the Dodgers game? Throw the bum out!

How deranged has our perception of equal protection become that we reflexively analogize: Well, isn't discrimination against Marge Schott or Pete Rose (or George Steinbrenner!), without due process, just the same as allowing baseball to discriminate against African-Americans? In form, yes—but not in substance.

The baseball police are morally empowered and legally entitled to operate by virtue of MLB's right to free association, the very freedom that could otherwise allow people to indulge in racial collusion. This sanctions groups of people to set standards of conduct, and surely that power may be abused. (For a century after the Civil War, helped along by Jim Crow's state-mandated discrimination, it was.) The argument behind the Civil Rights Act was that the legacy of slavery was so utterly repressive and repugnant that, on certain margins, one freedom—association—had to give way to another—equality.

One can argue about the morality of this trade-off then, or the actual success of this policy since. But what is above debate is that freedom of association remains a fundamental liberty and that barring some overwhelming reason to the contrary (read: racial collusion), we want people setting standards for themselves, sanctioning those who fail to behave.

This essential point gets lost in a parade of ethical posturing, much of it regarding baseball's allegedly poor record on racial equality. (Jackie Robinson might point out that, whatever baseball's record, it blazed a trail one generation ahead of the U.S. Congress.) It is testimony to the frailty of our laws and the opportunism of our politics that "civil rights" and "due process" can be invoked in defense of sleazeballs whose performance on the field of life has justly earned them the enmity of good sports everywhere.

Contributing Editor Thomas W. Hazlett teaches economics and public policy at the University of California, Davis.

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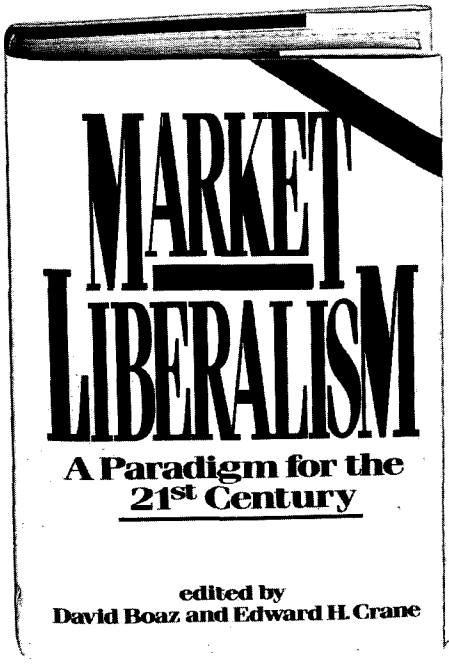

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